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Digest of Laws

Compilation and Reference to Laws of Minnesota Relating to Public Assistance, Relief, and Children

1946

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THE STATE OF MINNESOTA
DIVISION OF SOCIAL WELFARE
JARLE LEIRFALLOM, *Director*

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Introduction

This book is primarily intended to serve as a convenient and authoratative legal reference for all persons and agencies concerned with the administration and supervision of the Public Assistance, Relief, Hospitalization, Care of Tuberculous, and Child Welfare programs in the State of Minnesota. Every effort has been made to achieve accuracy in reprinting of the statutes; however, in a case of controversy where exact wording of the statute is in question, the official statutes should be consulted. The last compilation on Child Welfare Laws was printed in 1935, by the Board of Control, predecessor to the present Division of Social Welfare. In 1940, the Division of Social Welfare printed a compilation of laws dealing with Public Assistance and Relief.

While it is intended that this work should be comprehensive, it cannot for obvious reasons be all-inclusive in the public welfare field; it concerns itself with those laws which directly affect the social service programs administered by the Division of Social Welfare and omits, generally speaking, the welfare laws pertaining to the Division of Public Institutions, State Board of Health, and Industrial Commission.

For convenience of the users, this book has been divided into the following parts:

Part I —Division of Social Welfare.
Part II —County Welfare Board.
Part III —Old Age Assistance.
Part IV —Aid to Dependent Children.
Part V —Blind Assistance.
Part VI —Relief of the Poor.
Part VII —Child Welfare.
Part VIII—Hospitalization for Indigents and Others Unable Financially to Secure Hospital Care.
Part IX —Care of Consumptives; State and County Sanatoria; and After Discharge Therefrom.

Each of the foregoing parts is preceded by a complete index of the statutes contained in such part.

All statutes herein are those contained in Minnesota Statutes, 1945, and represent the final Minnesota statutory law as of 1946.

It is my hope and belief that this digest of laws will be of considerable value to those who have occasion to use it. The important work of compiling for the first time under one cover all of the laws from the many specialized fields of welfare work has been done very ably by L. J. Metcalf, Esq. of the Division of Social Welfare, whose many years of experience in dealing with welfare law have fitted him unusually well for a large task of this kind.

Clark Gustafson

PART I

DIVISION OF SOCIAL WELFARE

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DIVISION OF SOCIAL WELFARE

(256.01) DIRECTOR OF SOCIAL WELFARE; POWERS AND DUTIES. Subdivision 1. **Certain powers of board of control transferred.** All the powers and duties now vested in or imposed upon the state board of control by the laws of this state or by any law of the United States are hereby transferred to, vested in, and imposed upon the director of social welfare, except the powers and duties otherwise specifically transferred by Laws 1939, Chapter 431, to other agencies. The director of social welfare is hereby constituted the "state agency" as defined by the social security act of the United States and the laws of this state.

Subdivision 2. **Specific powers enumerated.** The director of social welfare shall:

(1) Administer and supervise all forms of public assistance in the state including general relief, relief to transients and state homeless, relief to veterans, old age assistance, aid to dependent children, aid to the blind and otherwise handicapped persons and such other welfare activities or services as may from time to time be vested in the director. Nothing herein shall transfer from the soldiers home board any of its present rights, powers, or duties, all of which shall continue to be exercised by said board.

(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting defective, illegitimate, dependent, neglected and delinquent children; license and supervise private child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all mental hygiene work involving persons not in a state institution. The authority and power conferred by this subdivision does not extend to administration or supervision of state institutions of mental hygiene nor to patients therein during the period of actual confinement, nor to mental testing, or to persons feebleminded, epileptic, or mentally ill on parole from state institutions.

(4) Administer and supervise all non-institutional services to the handicapped persons, including the blind, the deaf, the tubercular, the crippled, and otherwise handicapped persons. The authority and power conferred by this subdivision shall include such noninstitutional services to the handicapped as are now authorized to be performed by the state board of control and by the division of the deaf of the state industrial commission.

(5) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, Chapter 431, including the establishment of an efficient working relationship with the director of institutions relating to the care and supervision of individuals both prior to and after departure from institutions under the supervision of said director of institutions.

(6) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, Chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the director as specified in Laws 1939, Chapter 431, and including the promulgation of rules and regulations making uniformly available medical care benefits to all recipients of public assistance at such time as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are the grants of aid to said recipients.

(7) Establish and maintain such administrative units as may reasonably be necessary for the performance of administrative functions common to all divisions of the department.

(8) Administer and supervise such additional welfare activities and services as may, from time to time, hereafter be vested by law in the state department.

(9) Establish within his division a bureau of old age assistance, of aid to dependent children, and a bureau of child welfare.

(10) The director is hereby specifically constituted as guardian of both the estate and the person of all of the wards of the state of Minnesota and other persons the guardianship of whom has been heretofore vested in the state board of control, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as feebleminded or epileptic. All of said guardianships, and the funds and property of the same, are hereby transferred to and vested in said director, and said director is hereby constituted a legal entity and is hereby empowered to act as guardian under any laws of this state heretofore conferring such powers upon the state board of control.

(11) All the powers and duties vested in or imposed upon the director of public institutions with reference to the state sanatorium for consumptives are hereby transferred to, vested in, and imposed upon the director of social welfare.

(12) The specific enumeration of powers and duties as herein-

above set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

Subdivision 3. **Certain powers of executive council transferred.** All the powers and duties now vested in or imposed upon the executive council, or any other agency which may have succeeded to its authority, relating to the administration and distribution of direct relief to the indigent or destitute, including war veterans and their families and dependents, are hereby transferred to, vested in, and imposed upon the director of social welfare.

Note: In (1) above "relief to veterans" was transferred to the department of veterans affairs by laws 1943, chapter 420, section 5.

(257.175) DUTIES OF DIRECTOR IN BEHALF OF CHILDREN; EXECUTIVE OFFICERS. It shall be the duty of the director of social welfare to promote the enforcement of all laws for the protection of defective, illegitimate, dependent, neglected, and delinquent children, to cooperate to this end with juvenile courts and all reputable child-helping and child-placing agencies of a public or private character, and to take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made. The director shall have authority to appoint and fix the salaries of a chief executive officer and such assistants as shall be deemed necessary to carry out the purposes of sections 257.32 to 257.38.

Note: Section 257.34 is the base of child welfare legislation in Minnesota. Subdivision (2) of section 256.01 covers most of section 257.34 but omits a very important provision; namely, that it shall be the duty of the director of social welfare * * * "to take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made".

Powers and duties respecting children committed to state training school for boys and Minnesota home school for girls vested in the state director of public institutions, state board of parole, director of social welfare, or any other state agency are transferred to the director of public institutions. Laws 1941, c. 356.

Laws 1941, c. 356, as far as it goes, supersedes laws 1941, c. 159, and functions of public guardianship and other custodial authority over children committed either to training school for boys or to home school for girls are vested in director of public institutions, including money belonging to them. Op. Atty. Gen. (88A-4), Jan. 2, 1942.

(256.88) SOCIAL WELFARE FUND ESTABLISHED. Except as hereinafter expressly provided otherwise, all moneys and funds now or hereafter held by the director of social welfare and the county welfare boards of the several counties in trust or for the benefit of defective, illegitimate, dependent, neglected, and delinquent children or persons feebleminded, inebriate, or insane, or other wards or beneficiaries, under any law now or hereafter in force, shall be and the same hereby are constituted and made into a single fund to be known as the "social welfare

fund" which shall be deposited at interest, held, or disbursed as provided in sections 256.89 to 256.92.

(256.89) FUND DEPOSITED IN STATE TREASURY. The social welfare fund and all accretions thereto shall be deposited in the state treasury, as a separate and distinct fund, to the credit of the director of social welfare as trustee for the beneficiaries thereof in proportion to their several interests. The state treasurer shall be responsible only to the director of social welfare for the sum total of the fund, and shall have no duties nor direct obligations toward the beneficiaries thereof individually. Subject to the regulations of the director of social welfare moneys so received by a county welfare board may be deposited by the executive secretary of the county welfare board in a local bank carrying federal deposit insurance, designated by the county welfare board for this purpose. The amount of such deposit in each such bank at any one time shall not exceed the amount protected by federal deposit insurance.

(256.90) SOCIAL WELFARE FUND; USE DISPOSITION; DEPOSITORIES. The director of social welfare and the director of public institutions at least 30 days before the first day of January and the first day of July in each year shall file with the state treasurer an estimate of the amount of the social welfare fund to be held in the treasury during the succeeding six months' period, subject to current disbursement. Such portion of the remainder thereof as may be at any time designated by the request of the director of social welfare and the director of public institutions may be invested by the state treasurer in bonds in which the permanent trust funds of the state of Minnesota may be invested, upon approval by the state board of investment. The portion of such remainder not so invested shall be placed by the treasurer at interest for the period of six months, or when directed by the director of social welfare and the director of public institutions, for the period of 12 months thereafter at the highest rate of interest obtainable in a bank, or banks, designated by the board of deposit as a suitable depository therefor. All the provisions of law relative to the designation and qualification of depositories of other state funds shall be applicable to sections 256.88 to 256.92, except as herein otherwise provided. Any bond given, or collateral assigned or both, to secure a deposit hereunder may be continuous in character to provide for the repayment of any moneys belonging to the fund theretofore or thereafter at any time deposited in such bank until its designation as such depository is revoked and the security thereof shall be not impaired by any subsequent agreement or understanding as to the rate of interest to be paid upon such deposit, or as to time for its repayment. The amount of money belonging to the fund deposited in any bank, including other state deposits, shall not at any time exceed the amount of the capital

stock thereof. In the event of the closing of the bank any sum deposited therein shall immediately become due and payable.

(256.91) PURPOSES. From that part of the social welfare fund held in the state treasury subject to disbursement as provided in section 256.90 the director of social welfare at any time may pay out such amounts as he deems proper for the support, maintenance, or other legal benefit of any of the defective, illegitimate, dependent, neglected, and delinquent children, or persons feeble-minded, inebriate, or insane, or other wards or persons entitled thereto, not exceeding in the aggregate to or for any person the principal amount previously received for the benefit of the person, together with the increase thereof from an equitable apportionment of interest realized from the social welfare fund.

When any such person dies or is finally discharged from the guardianship, care, custody, and control of the director of social welfare the amount then remaining subject to use for the benefit of such person shall be paid as soon as may be from the social welfare fund to the persons thereto entitled by law.

(256.92) DIRECTOR OF SOCIAL WELFARE SHALL KEEP ACCOUNTS. It shall be the duty of the director of social welfare and of the county welfare boards of the several counties of this state to cause to be deposited with the state treasurer all moneys and funds in their possession or under their control and designated by section 256.91 as and for the social welfare fund; and all such moneys and funds shall be so deposited in the state treasury as soon as received. The director of social welfare shall keep books of account or other records showing separately the principal amount received and deposited in the social welfare fund for the benefit of any person, together with the name of such person, and the name and address, if known to the director of social welfare, of the person from whom such money was received; and, at least once every two years, the amount of interest, if any, which the money has earned in the social welfare fund shall be apportioned thereto and posted in the books of account or records to the credit of such beneficiary.

The provisions of sections 256.88 to 256.92 shall not apply to any fund or money now or hereafter deposited or otherwise disposed of pursuant to the lawful orders, decrees, judgments, or other directions of any probate or district court having jurisdiction thereof.

(256.93) DIRECTOR OF SOCIAL WELFARE TO TAKE POSSESSION OF ESTATES IN CERTAIN CASES. Subdivision 1. **Limitations.** In any case where the guardianship of the person of any defective, illegitimate, dependent, neglected or delinquent child, has been committed to the director of social welfare, and in any case where the

guardianship of the person of any feebleminded or epileptic person has been committed to the director of public institutions, and such person's estate shall consist only of personal property not exceeding in value the sum of $1,000, and there shall be no guardian of the estate of such person, the probate court having jurisdiction of such estate may on such notice as the court may direct and upon notice to the director to whose guardianship said person has been committed, authorize such director to take possession of the property in such estate, liquidate the same, and hold the proceeds thereof in trust for such ward, to be invested, expended and accounted for as provided by sections 256.88 to 256.92.

Subdivision 2. **Annual report filed with probate court.** The director of social welfare and the director of public institutions shall annually or at such other times as the probate court may direct file with the court an account of moneys received and disbursed by each of them for their respective wards, pursuant to subdivision 1. Upon petition of the ward or of any person interested in such estate and upon notice to the director to whose guardianship such ward has been committed, the probate court may terminate such trust and require final accounting thereof.

(256.94) CONFERENCES OF VARIOUS OFFICIALS. For the purpose of promoting economy and efficiency in the enforcement of laws relating to children, and particularly of laws relating to defective, delinquent, dependent, and neglected children, the director of social welfare may, at such times and places as he deems advisable, call an annual conference with officials responsible for the enforcement of such laws. When practicable such conference shall be held at the same time and place as the state conference of social work.

(256.95) EXPENSE OF ATTENDANCE AT CONFERENCE. The necessary expenses of all probate judges and of one member of the county child welfare board in each county invited to attend such conference shall be paid out of the funds of their respective counties.

Note: Functions of county child welfare boards are now handled by county welfare boards.

(256.96) COOPERATION WITH OTHER BOARDS. The director of social welfare and the several county child welfare boards within their respective jurisdictions, upon request of county boards, city, village, or borough councils, town boards, or other public boards or authorities charged by law with the administration of the laws relating to the relief of the poor, may cooperate with such boards and authorities in the administration of such laws.

Note: Functions of county child welfare boards are now handled by county welfare boards.

PART II

COUNTY WELFARE BOARD

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COUNTY WELFARE BOARD

(393.01) ESTABLISHMENT. Subdivision 1. **Membership.** There shall be established in each county of the state a county welfare board which shall consist of the number of members, as hereinafter provided, to be chosen as follows.

Subdivision 2. **Selection of Members.** Except in counties which contain a city of the first class and counties having a poor and hospital commission, the county welfare board shall consist of seven members, including the board of county commissioners, to be selected as herein provided; two members, one of whom shall be a woman, shall be appointed by the director of social welfare from a list of residents, five men and five women, submitted by the board of county commissioners. One member shall hold office for the term of one year, and one for the term of two years, and thereafter as each term expires or a vacancy occurs by reason of death or resignation a successor shall be appointed by the director of social welfare for the full term of two years from a list of five residents submitted by the board of county commissioners. The board of county commissioners may, by resolution adopted by a majority of the board, determine that only three of their members shall be members of the county welfare board, in which event the county welfare board shall consist of five members instead of seven. When a vacancy occurs on the county welfare board by reason of the death, resignation, or expiration of the term of office of a member of the board of county commissioners, the unexpired term of such member shall be filled by appointment by the county commissioners. Except to fill a vacancy and for the first year of its existence the term of office of each member of the county welfare board shall commence on the first Thursday after the first Monday in July, and continue until the expiration of the term for which such member was appointed or until a successor is appointed and qualifies. If the board of county commissioners shall refuse, fail, omit, or neglect to submit the list of residents to the director of social welfare for appointment to the county welfare board by the director of social welfare, as herein provided, or to appoint the three members to the county welfare board, as herein provided, by the time when the terms of such members commence, or, in the event of vacancies, for a period of 30 days thereafter, the director of social welfare is hereby empowered to and shall forthwith appoint residents of the county to the county welfare board. Before the director of social welfare shall fill any vacancy hereunder resulting from the failure or refusal of the board of county commissioners of any county to act, as required herein, the director of social welfare shall mail 15 days' written notice to the board of county commissioners of its intention to fill such vacancy or vacancies unless the board of county commissioners shall act before

the expiration of the 15-day period.

Subdivision 3. **County board to be county welfare board in certain counties.** In any county containing a city of the first class operating under a home rule charter, wherein there is established in such city a board of public welfare for administration of poor relief in such city only, the board of county commissioners shall be the county welfare board. In such counties the members shall be reimbursed by the county for expenses actually incurred in the performance of their official duties under the provisions of this chapter. In such counties the county auditor shall be ex officio secretary of the board, but shall have no voice in its proceedings. In such counties the system of caring for the poor in effect at the time of the passage of this chapter shall be continued, subject to all provisions of law relating thereto, except that, if such county is operating under the township system of caring for the poor, such towns, villages, and cities of the third and fourth classes therein may, by resolution of its governing body, agree with the county welfare board that the latter shall supervise and administer the poor relief fund in such town, village, or city, or contract with any one or more of the public subdivisions of the county for the purpose of jointly supervising and administering the poor relief funds in such towns, villages, or cities. In any such county the powers and duties of such board of public welfare shall not be affected by the provisions of this chapter. Such board of public welfare, in administering poor relief funds granted by any state agency authorized so to do by law, shall comply with all standards of administration and procedure prescribed by such agency.

Subdivision 4. **Board of public welfare to be county welfare board in certain counties.** In any county and any city of the first class within such county, which such city shall contain taxable property having an assessed valuation of more than 90 per cent of the assessed valuation for taxation purposes of all property in such county, the board of public welfare shall be continued as the county welfare board and shall be appointed or elected as provided by Laws 1929, Chapter 371, as amended. This board shall receive such compensation and have and exercise all the powers as provided by Laws 1929, Chapter 371, as amended, in addition to any other and further powers granted herein and shall have and perform all of the additional duties referred to in section 393.07, except that the executive secretary of such board shall be appointed and his salary shall be fixed pursuant to section 393.04.

Subdivision 5. **Board of poor commissioners to be county welfare board in St. Louis County.** In any county in this state having a population of more than 75,000 and an area of over 5,000 square miles, the board of poor commissioners shall be continued as the county welfare board and shall be appointed or elected as provided by Sections

264.01, 264.02, 264.03, and 264.04. The board shall receive such compensation and shall have and exercise all the powers as provided by Sections 264.01, 264.02, 264.03, and 264.04, in addition to any other and further powers granted herein and shall have and perform all the additional duties referred to in Section 393.07.

Note: Section 264.01, Minnesota Statutes 1945, relating to St. Louis County, provides as follows:

"264.01. BOARD OF POOR COMMISSIONERS. Subdivision 1. In counties having a population of over 75,000, and an area of over 5,000 square miles, the county welfare board shall consist of five members.

"Subd. 2. Three members shall be appointed by the board of county commissioners of such county, with the approval of the judges of the district court of the judicial district in which such county is located. The successor to the member whose term expires on the first Monday in January, 1944, shall be appointed for a term of six years. The term of the member whose term would otherwise expire on the first Monday of January, 1945, shall be extended until the first Monday in January, 1946, at which time his successor shall be appointed for a period of six years. The term of the member whose term would otherwise expire on the first Monday in January, 1946, shall be extended to the first Monday of January, 1948, at which time his successor shall be appointed for a term of six years. Thereafter members shall be appointed for a term of six years beginning on the first Monday in January of each even numbered year and vacancies shall be filled by like appointment for the unexpired term.

"Subd. 3. At the first regular meeting of the board of county commissioners in May, 1945, the board of county commissioners shall select from among its own members two additional members of the county welfare board, who shall serve until the first meeting in January, 1946, at which meeting the board of county commissioners shall select from among its own members two members of the county welfare board, one to serve for a term of one year and one to serve for a term of two years. Annually thereafter at the first meeting in January in each year, the board of county commissioners shall elect from its own members a member of the county welfare board to serve for a term of two years. The members of the county welfare board named in this subdivision must during their period of service on the county welfare board also be members of the board of county commissioners.

"Subd. 4. Annually on the first Monday in January, the board shall elect from its number a chairman, and vice-chairman to serve for one year, and until their successors qualify. It shall make rules for the government of its proceedings, and fixing the time for holding its meetings, and may amend the same at any time. All of its meetings shall be public. The members, except the members who are also members of the board of county commissioners, shall receive $10 per day but not to exceed $250 in any one year, and each shall be repaid out of the county welfare fund for his necessary expenses, a verified and itemized statement of which shall be filed with and approved by the board. It shall be provided with a suitable office, the expenses whereof shall be paid out of the county welfare fund."

Subdivision 6. **Poor and hospital commission to be county welfare board in certain counties.** In any county now having a board of poor and hospital commissioners, said board of poor and hospital commissioners shall have the same powers and duties as the county welfare board in other counties, and shall be the county welfare board, and shall also retain and exercise the powers and duties conferred upon such board by Laws 1917, Chapter 187, as amended by Laws 1931, Chapter 60, in counties in which said 1917 law as amended is applicable.

(393.02) OATH. Each member of the county welfare board, other than those holding some other public office for which they have qualified, shall take the oath of office prescribed in section 358.05 and file same in the office of the auditor of the county for which such member was appointed. No person shall be qualified to act as a member of the county welfare board until such oath has been filed.

(393.03) PER DIEM OF MEMBERS. Except as provided in section 393.01, subdivisions 3 and 4, the members of the county welfare board shall receive, in addition to any salaries they may receive from any other source, from the state or county or any municipality, the sum of $5.00 per day for time actually spent in transacting the business of the board not exceeding a maximum of 25 days a year. Members shall be reimbursed by the county for expenses actually incurred in the performance of their official duties.

Note: The $5.00 payment provision has been in effect since April 21, 1945.

(393.04) ORGANIZATION. The county welfare board shall, at its first meeting, and thereafter at its annual meeting on the first Thursday after the first Monday in July each year meet and organize by electing a chairman, a vice-chairman, and a secretary, except as provided in section 393.01, subdivision 3, each of whom shall perform the customary

duties of his office. The board shall appoint an executive secretary and such assistants and clerical help as it may deem necessary to perform the work of the board. The appointment of the executive secretary shall be made in accordance with rules and regulations to be adopted by the director of social welfare and shall be chosen upon the basis of his experience, training, and general qualifications for the work. His salary shall be fixed by the county welfare board, except the salary of the executive secretary of the county welfare board appointed pursuant to section 393.01, subdivision 4, which salary shall be approved by the board of county commissioners of any such county and the city council of any city of the first class located within such county, and the county welfare board shall fix the salary of such other employees as it may hire.

The welfare board shall require its executive secretary and such other of its employees as it may determine, to execute and file with it a bond conditioned as are other official bonds, to the state, with corporate sureties to be approved by it, in such amount as it may fix, not less than $1,000, and the premium thereon shall be paid by the board.

(393.05) COUNTY TO PROVIDE OFFICES. The county, except as provided in section 393.01, subdivision 4, shall provide suitable offices for the county welfare board and its employees.

(393.06) SALARY AND EXPENSES OF COUNTY WELFARE BOARD. The salaries, office, traveling, and other necessary expenses of the county welfare board, including such amount as may be allowed in the discretion of the county board as compensation for cashing old age assistance and other welfare board checks, shall be paid by the county, except as provided in section 393.01, subdivision 4, and shall be subject to reimbursement out of state and federal funds as may be provided by law.

(393.07) POWERS AND DUTIES. Subdivision 1. **Assumes duties of county child welfare board.** After its establishment the county welfare board shall forthwith assume the powers, duties, and responsibilities of the county child welfare board, if any, existing in the county, and shall perform such duties as may be required of the county child welfare board or by law or by the director of social welfare with regard to the enforcement of all laws for the protection of defective, illegitimate, dependent, neglected, and delinquent children.

Subdivision 2. **Administers all forms of public assistance and public welfare.** The county welfare board, except as provided in section 393.01, subdivision 3, shall be charged with the duties of administration of all forms of public assistance and public welfare, both of children and adults, and shall supervise, in cooperation with the di-

rector of social welfare, the administration of all forms of public assistance which now are or hereafter may be imposed on the director of social welfare by law, including aid to dependent children, old age assistance, veterans aid, aid to the blind, and other public assistance or public welfare purposes. The duties of the county welfare board shall be performed in accordance with the standards, rules and regulations which may be promulgated by the director of social welfare in order to comply with the requirements of the federal social security act and to obtain grants-in-aid available under that act.

Subdivision 3. **Administers all forms of public assistance and public welfare within purview of federal social security act.** The county welfare board provided for in section 393.01, subdivision 3, shall be charged with the duties of administration of all forms of public assistance and public welfare within the purview of the federal social security act and which now are, or hereafter may be, imposed on the director of social welfare by law, of both children and adults, including aid to dependent children, old age assistance, and aid to the blind. The duties of such county welfare board shall be performed in accordance with the standards, rules and regulations which may be promulgated by the director of social welfare in order to comply with the requirements of the federal social security act and to obtain grants-in-aid available under that act.

Subdivision 4. **Rules and regulations; financial statement published.** The director of social welfare shall be the authority to adopt and enforce rules and regulations concerning the use and publication of lists of public assistance recipients and governing the custody, use, and preservation of public assistance records, files, and communications. The director of social welfare shall adopt such rules and regulations as may be necessary to comply with the requirements of the federal social security board; but in any event shall provide for the annual publication of a summary financial statement giving total expenditures for each of the several programs of public assistance; and shall make all finance records available for such examinations and audits as are required by law. No use or publication of the lists, records, files, and communications herein referred to shall be made until such rules and regulations are adopted, and then only in the manner and form therein provided. All other laws, or parts of laws, now in effect inconsistent with the provisions of this chapter are hereby repealed, superseded, modified, or amended so far as necessary to conform to and give full force and effect to the provisions of this chapter. The provisions of this chapter will not be construed to apply to poor relief or direct relief.

Subdivision 5. **Methods of administration required.** The director of social welfare shall have authority to require such methods of

administration as are necessary for compliance with requirements of the federal social security act, as amended, and for the proper and efficient operation of all welfare programs. This authority to require methods of administration includes methods relating to the establishment and maintenance of personnel standards on a merit basis as concerns all employees of county welfare boards except those employed in an institution, sanatorium, or hospital. The director of social welfare shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods. The adoption of methods relating to the establishment and maintenance of personnel standards on a merit basis of all such employees of the county welfare boards and the examination thereof, and the administration thereof shall be directed and controlled exclusively by the director of social welfare.

(393.08) ESTIMATES FURNISHED TO COUNTY BOARD. On or before the first day of July each year the county welfare board, except any such board referred to in section 393.01, subdivisions 3 and 4, shall submit to the county board of commissioners an estimate of the amount needed by it to perform its duties, including expenses of administration, and the county board of commissioners shall consider the estimates so submitted and, if approved, shall levy a tax as provided by law for the purposes. In the event the estimate is not approved, the county board of commissioners shall confer with the county welfare board and adjust a budget in accordance with the facts and levy a tax for the amount required.

In counties referred to in section 393.01, subdivision 3, the estimate required shall not include poor relief in such counties or institutional requirements in any city of the first class located therein. The tax levy by the county board of commissioners in such counties shall be such as is required for categories of aid under the federal social security act, and shall be separate and distinct from other levies made by it. The governing body of any such city of the first class may annually levy a tax for poor relief as authorized by such home rule charter, on the real and personal property within the corporate limits of such city. Such tax levy and the proceeds thereof shall be subject to the same control and supervision as is imposed on any existing public welfare tax levy.

On the first day of July of each year the county welfare board referred to in section 393.01, subdivision 4, shall present its estimate of the amount needed by it to perform its duties, including expense of administration, to the board of county commissioners of any such county and the council of the city of the first class located in such county. Such board of county commissioners and such city council shall proceed to consider and scrutinize the estimates so submitted, and shall have the power to reduce the same and when approved, the cost of all such relief, including the maintenance of any almshouse, sanatorium, or hospital

maintained by such county and city shall be paid 72½ per cent by such county and 27½ per cent by such city.

(393.09) TO MEET MONTHLY. The county welfare board shall meet and advise with the executive secretary at least once each month and the executive secretary shall report and be responsible to the county welfare board and shall be directed in his activities by the board. The executive secretary shall be charged with the administration of the duties of the county welfare board and shall perform such additional duties as the county welfare board may designate.

PART III

OLD AGE ASSISTANCE

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OLD AGE ASSISTANCE

(256.11) STATE OLD AGE ASSISTANCE; POLICY DECLARED. The care and relief of aged persons who are in need and whose physical or other conditions or disabilities seem to render permanent their inability to provide properly for themselves is hereby declared to be a special matter of state concern and a necessity in promoting public health and welfare. To provide such care and assistance a state wide system of old age assistance is hereby established.

(256.12) DEFINITIONS. Subdivision 1. **Old age assistance or assistance.** As used in sections 256.11 to 256.43, the term "old age assistance" or "assistance" means money payments for aged persons, made thereunder.

Subdivision 3. **Applicant.** As used in sections 256.11 to 256.43, the word "applicant" means any person who has applied for old age assistance.

Subdivision 5. **Recipient.** As used in sections 256.11 to 256.43, the word "recipient" means any person who has been granted old age assistance.

Subdivision 7. **County agency or county agencies.** As used in sections 256.11 to 256.43, the term "county agency" or "county agencies" means the board of county commissioners or such other board as may be therein authorized to administer sections 256.11 to 256.43 in any county; provided, in any county having a poor commission authorized to administer poor relief with all the powers of the county board in counties having the county system of administering such poor relief, and where such poor relief is administered by and under the supervision of the poor commission, the term "county agency" means the poor commission and the poor commission shall have all the powers, rights, and duties vested in the board of county commissioners and the county auditor, respectively, and for these purposes the poor commission shall have authority to employ such additional assistance as shall be found necessary.

Subdivision 10. **State agency.** As used in sections 256.11 to 256.43, 256.49 to 256.71, and 256.72 to 256.87, the term "state agency" means the director of social welfare in the department of social security.

(256.13) STATE AGENCY; DUTIES. The state agency shall:

(1) Supervise the administration of old age assistance by the county agencies under sections 256.11 to 256.43;

(2) Make uniform rules and regulations, not inconsistent with law, for carrying out and enforcing the provisions of sections 256.11 to 256.43 in an efficient, economical, and impartial manner, and to the end that the old age assistance system may be administered uniformly throughout the state, having regard for varying costs of living in different parts of the state, and in all things to carry out the spirit and purpose of these sections. Such rules and regulations shall be made by the director of the division of social welfare, with the approval of the attorney general as to form and legality, and shall be furnished immediately to all county agencies and shall be binding on such county agencies;

(3) Prescribe the form of, print, and supply to the county agencies, blanks for applications, reports, affidavits, and such other forms as it may deem necessary or advisable, and establish a uniform system of accounting;

(4) Cooperate with the federal social security board, created by Title 7 of the social security act, Public No. 271, enacted by the 74th congress of the United States and approved August 14, 1935, in any reasonable manner as may be necessary to qualify for federal aid for assistance including the making of such reports in such form and containing such information as the federal social security board may, from time to time, require, and comply with such provisions as such board may, from time to time, find necessary to assure the correctness and verifications of such reports;

(5) Within 60 days after the close of each fiscal year, prepare and print for the fiscal year a report which shall include a full account of the operation of sections 256.11 to 256.43, the expenditure of all funds thereunder, adequate and complete statistics divided by counties, concerning all old age assistance within the state, and such other information as it may deem advisable;

(6) Prepare and release a summary statement monthly showing by counties the amount paid under sections 256.11 to 256.43, the total number of persons assisted, and the total administrative cost of the state agency;

(7) Furnish information to acquaint aged persons and the public generally with the old age assistance plan of this state; and

(8) Cooperate with other state agencies in establishing reciprocal agreements to provide for payment of old age assistance to recipients who have moved from Minnesota to another state, consistent with the provisions of sections 256.11 to 256.43.

(256.14) COUNTY AGENCIES; DUTIES. Subdivision 1. **Administration.** The county agencies shall administer the old age assistance system in their respective counties under the supervision of the state agency, and shall make such reports, prepare such statistics, and keep such records and accounts in relation to old age assistance as the state agency may require.

Subdivision 2. **Investigations.** In a county having a board of public welfare as authorized by Laws 1929, Chapter 371, the board of county commissioners may delegate to such board of public welfare, subject to the supervision of the board of county commissioners, the investigation of applications and recipients, decisions upon applications and the fixing of the amount of old age assistance, if any.

Subdivision 3. **Deputy clerks of court to accept applications.** In any county having a poor commission, it shall be the duty of the poor commission to designate the deputy clerks of court at such places where regular terms of court are held in the county as clerks for the purpose of accepting applications for such old age assistance. It shall be the duty of such clerks of court to aid and assist the applicant in making out his application for such old age assistance.

Subdivision 4. **Official investigators.** In a county having an official investigator appointed as provided in Mason's Minnesota Statutes of 1927, Section 8676, the board of county commissioners may delegate such investigation to such official investigator subject to the supervision of the board of county commissioners.

Subdivision 5. **Other investigators appointed.** The county agency may appoint some person or other agency to investigate applications and recipients and assist applicants in making out of applications, always, however, subject to the supervision of the county agency; provided, that decisions upon applications and fixing of amount of old age assistance shall be made by the county agency.

(256.15) PENSIONERS; PENSION; OTHER ASSISTANCE. Subdivision 1. **Qualifications.** Any resident of this state who shall comply with the provisions of sections 256.11 to 256.43 shall be eligible for old age assistance while continuing to reside in this state. Temporary absences from the state may be allowed a recipient in accordance with the regulations established by the state agency.

Subdivision 2. **Amount and manner of payment.** The manner and amount of old age assistance payments shall be fixed with due regard to the conditions in each case in accordance with the rules and regulations of the state agency, but in no case shall it be an amount which, when added to the net income and resources available to the support

and care of the applicant, exceeds a total of $40.00 a month, except for medical, dental, surgical, hospital, nursing, or licensed rest home care, subject to the following:

(1) The annual income of any property which is not so utilized as to produce reasonable returns shall be deemed to be the net income which would be available if the property were suitably used. Due consideration shall be given to the current or prevailing conditions affecting the use of such property.

(2) An amount not to exceed $100.00 received during a calendar year as gifts or as a result of personal labor, may be excluded in the discretion of the county agency in determining the amount of such old age assistance.

Subdivision 3. **To receive no other relief.** While a recipient is receiving old age assistance, he shall not receive any other relief from the state or from any political subdivision thereof, except for medical, dental, surgical or hospital assistance, or nursing care.

(256.16) APPLICANT; AGE; CITIZENSHIP; RESIDENCE; INSTITUTIONAL CARE. Old age assistance may be granted to an applicant who:

(1) Has attained the age of 65 years;

(2) Is a United States citizen, or has resided continuously in the United States for over 25 years;

(3) Has been a resident of the state for five years or more within the nine years immediately preceding application, at least one year of which shall have been continuous and immediately precede such application; provided, that when a person has been a resident of the state at least two years continuously and immediately preceding application, but has not resided therein five years within the above mentioned nine-year period, there may be added to the years of actual residence within the nine-year period a credit for years of actual residence in the state preceding the nine-year period on the following basis:

(a) 40 per cent of actual residence in the six years immediately preceding the above mentioned nine years;
(b) 20 per cent of actual residence in the five years immediately preceding the above mentioned six years;
(c) Ten per cent of actual residence in the ten years immediately preceding the above mentioned five years; and
(d) Five per cent of actual residence in any time preceding the above mentioned ten years;

(4) Is not, because of physical or mental condition, in need of

continued institutional care and such care is reasonably available to him.

(256.17) ABSENCE IN STATE OR FEDERAL SERVICE. For all purposes of sections 256.11 to 256.43 absence in the service of the state of Minnesota or the United States shall not be deemed to interrupt residence in the state if domicile be not acquired outside of the state.

(256.18) DISQUALIFICATION OF PENSIONERS. No old age assistance shall be paid to a person:

(1) While or during the time he is an inmate of, and receives gratuitously all the necessities of life from any public charitable, custodial, or correctional institution maintained by the United States, or any state or any of the political subdivisions of the state; provided, in the case of temporary medical or surgical care in a hospital or infirmary, part or all of any old age assistance may be paid at the discretion of the county agency subject to rules and regulations made by the state agency;

(2) If the net value of his property or the net value of the combined property of husband and wife exceeds $5,000; or if the net value of his assets convertible into cash exceeds $300 or the combined convertible assets of husband and wife exceed $450. The county agency in its discretion may permit eligibility of an applicant having liquid assets in excess of this amount when the liquidation of the assets would cause undue loss; provided, that household goods and furniture in use in the home, wearing apparel, and a lot in the burial ground may be owned in addition to the property limitation provided in this clause;

(3) Who has, after the passage of sections 256.11 to 256.43, or within two years prior thereto deprived himself directly or indirectly of any property for the purpose of qualifying for old age assistance;

(4) Whose spouse, living with the person, has made an assignment or transfer directly or indirectly of any property for the purpose of qualifying either person for old age assistance under sections 256.11 to 256.43.

(256.19) LEGAL SETTLEMENT. Subdivision 1. **Requirements.** For the purposes of sections 256.11 to 256.43 every person who has resided one year continuously in any county shall have a legal settlement therein, and such legal settlement shall not be deemed lost or terminated until a new settlement shall have been acquired in another county of this state or acquired in another state. The time during which a person has been an inmate of a hospital, poor house, jail, prison or other public institution, or an inmate of a private charitable institution or home for the aged, either by voluntarily becoming an inmate thereof, or if placed there and maintained by any governmental unit of the state or

by his children or relatives, or under commitment to the guardianship of the director of social welfare or one of the state institutions, shall be excluded in determining the time of residence hereunder.

Subdivision 2. **Application to county agency.** An applicant for old age assistance shall file his application in writing with the county agency of the county in which he has a legal settlement, in such manner and form as shall be prescribed by the state agency. As to a person otherwise qualified who has no legal settlement in any county of the state, his legal settlement for the purpose of making application hereunder shall be deemed to be the county in which he has longest resided during the year immediately preceding the filing of such application.

Subdivision 3. **Verification.** All statements in the application shall be sworn to or affirmed by the applicant, setting forth that all facts are true in every material point. Upon the filing of such application, the county agency shall make an order fixing a time and place for the hearing thereon. The county agency shall forthwith upon the making of such order mail a copy of the same to the applicant. Any applicant or recipient shall have the right to produce any evidence that he desires and be represented by a friend or counsel.

Subdivision 4. **Hearing; appeal.** When an application is rejected or denied by a county agency upon the sole ground that the same was not filed in the county of applicant's legal settlement, an appeal may be taken to the state agency in the same manner as other appeals, and the state agency shall thereupon determine the question of legal settlement and refer the application to the county agency of the proper county for further action.

(256.20) INVESTIGATIONS; DETERMINATION; RENEWAL OF APPLICATION. The county agency shall promptly make or cause to be made such investigation as it may deem necessary; the object of such investigation shall be to ascertain the facts supporting the application made under sections 256.11 to 256.43 and such other information as may be required by the rules of the state agency. Upon the completion of such investigation, the county agency shall promptly decide upon the application, fix the amount of old age assistance, if any, and issue to each applicant to whom old age assistance is allowed, a certificate stating the date upon which old age assistance payments shall commence and the amount of each installment, which shall be paid monthly.

(256.21) APPEALS; REVIEWS. Subdivision 1. **Appeal to state agency.** Any applicant or recipient aggrieved by any order or determination by the county agency may appeal from such order or determination to the state agency. Before making such appeal to the state agency the appli-

cant or recipient shall give written notice to the county agency that he is not satisfied with the decision made. The county agency shall, within 30 days thereafter, grant a new hearing. The county agency may adhere to the decision already made, or may modify its order. If the applicant or recipient is then dissatisfied he may, within 30 days after receiving notice of such order, appeal to the state agency as herein provided. The state agency shall, upon receipt of such an appeal notify the county agency and review the case, giving the applicant or recipient an opportunity for a fair hearing before such state agency. The state agency may upon its own motion review any decision made by the county agency. The state agency may make such additional investigation as it may deem necessary and shall make such decision as to the granting of assistance and the amount and nature of assistance to be granted the applicant or recipient as in its opinion is justified and in conformity with the provisions of sections 256.11 to 256.43. All decisions of the state agency shall be binding upon the county involved and the applicant or recipient and complied with by the county agency unless modified or reversed on appeal as hereinafter provided.

Subdivision 2. **Appeal to district court.** If a decision or determination by the state agency is not, in the opinion of the county agency or applicant or recipient, in conformity with sections 256.11 to 256.43, either may within 30 days after such decision appeal from the decision or determination of the state agency to the district court of the county in which the application was filed by serving a copy of a written notice of such appeal upon the state agency and adverse party and filing the original of such written notice, together with proof of service, with the clerk of the district court of the county. Such appeal may be brought on for hearing by either party by mailing ten days' written notice stating the time and place of such hearing. Upon serving of such notice, the state agency shall, if demanded, furnish the county agency and applicant or recipient a summary of the issues involved, a copy of all supporting papers, a transcript of any testimony and a copy of its decision. The court shall summarily, upon ten days' written notice, try and determine the appeal upon the record of the state agency as certified to it and in the determination shall be limited to the issue as to whether the order of the state agency is fraudulent, arbitrary or unreasonable. No new or additional evidence shall be taken on such appeal or introduced by any party to such hearing on appeal in the district court, unless such new or additional evidence, in the opinion of the court, is necessary to a more equitable disposition of the appeal. If the court shall find the order of the state agency fraudulent, arbitrary or unreasonable, the court shall make an order declaring the order of the state agency null and void, giving its reasons therefor, and shall order the state agency to take further action in the matter not inconsistent with the determination of

the court.

During the pendency of the appeal, if the state agency has awarded old age assistance to a recipient, the old age assistance shall be paid to him pending the determination of the appeal. If the appeal shall be from the order of the state agency raising or lowering the amount paid to a recipient, and if the order of the state agency shall not be sustained, then the recipient shall receive the amount, if any, theretofore fixed by the county agency.

Subdivision 3. **Appeal to supreme court.** The county agency may question the validity of any rule or regulation of the state agency and the district court where the county agency is located shall have power to determine the validity of any such rule or regulation by original proceedings in the court. Either the state agency or the county agency may appeal from such decision to the supreme court in the same manner as other appeals in civil actions.

Subdivision 4. **Objections by taxpayers.** Any taxpayer of the state, resident therein, may appear at any time before the county agency of the county wherein he resides and protest the granting or continuance of any individual old age assistance, or any portion thereof, with the same right to appeal to the state agency as granted an applicant or recipient.

(256.22) ATTORNEY GENERAL, COUNTY ATTORNEY; DUTIES. The attorney general shall be the attorney for the state agency in all matters pertaining to sections 256.11 to 256.43. The county attorney of each county shall be the attorney for the county agency in all matters pertaining to sections 256.11 to 256.43.

(256.23) SUBPOENAS. The county agency and the state agency shall have the power to issue subpoenas for the witnesses and compel their attendance and the production of papers and writing; and officers and employees designated by the county agency or the state agency may administer oaths and examine witnesses under oath in connection with any application or proceeding under sections 256.11 to 256.43.

(256.24) DEATH OF RECIPIENT; FUNERAL EXPENSES; CLAIM AGAINST ESTATE. On the death of a recipient, the county agency shall pay an amount for reasonable funeral expenses not exceeding $100.00. No funeral expenses shall be paid if the estate of the deceased is sufficient to pay such expense or if the children, or spouse, who were legally responsible for the support of the deceased during his lifetime, are able to pay such expenses; provided, that the additional payment or donation of the cost of cemetery lot, interment, religious service, or for the transportation of the body into or out of the community in which de-

ceased resided, shall not limit payment by the county agency as herein authorized. Freedom of choice in the selection of a funeral director shall be granted to persons lawfully authorized to make arrangements for the burial of any such deceased recipient. In determining the sufficiency of such estate due regard shall be had for the nature and marketability of the assets of the estate. The county agency may grant funeral expenses where the sale would cause undue loss to the estate. Any amount paid by the county as funeral expenses shall be a prior claim against the estate as provided in section 525.44, and any amount recovered shall be paid to the treasury of the county which paid the expenses and deposited in the county old age assistance fund and 50 per cent thereof shall be paid to the state agency.

(256.25) OLD AGE ASSISTANCE TO BE ALLOWED AS CLAIM IN PROBATE COURT. On the death of any person who received any old age assistance under this or any previous old age assistance law of this state, or on the death of the survivor of a married couple, either or both of whom received old age assistance, the total amount paid as old age assistance to either or both, without interest, shall be allowed as a claim against the estate of such person or persons by the court having jurisdiction to probate the estate. If the value of the estate of any such person has been enhanced as a result of the failure on the part of a recipient to make a full disclosure of the amount or value of his property, or the amount or value of the combined property of a married couple, in any old age assistance proceeding, the claim shall be allowed by the probate court as a preferred claim and have preference to the extent of such enhancement over all other claims, excepting only claims for expenses of administration, funeral expenses, and expenses of last sickness. If the value of any such estate, exclusive of household goods, wearing apparel, and a burial lot, is more than the value of the property of such person, as disclosed by the applicant in any old age assistance proceeding, it shall be prima facie evidence that the value of such estate was enhanced by the payment of old age assistance to the extent of the excess, but not exceeding the total amount of old age assistance paid to such person or persons. The statute of limitations which limits the county agency or the state agency, or both, to recover only for assistance granted within six years shall not apply to any claim made under sections 256.11 to 256.43 for reimbursement for any assistance granted hereunder.

(256.26) OLD AGE ASSISTANCE; LIENS. Subdivision 1. **Contributions.** If at any time during the continuance of any assistance granted under sections 256.11 to 256.43 the state agency or the county agency finds that any child or the spouse of any recipient is reasonably able to contribute to the necessary care and support of such recipient without

undue hardship to himself or his immediate family and such person so able to contribute to the care and support of such recipient fails or refuses to contribute according to his ability to the care and support of such recipient, then, after notice to such person, there shall exist a cause of action against this person for such amount of assistance furnished under sections 256.11 to 256.43 subsequent to such notice, or such part thereof as such person is reasonably able to pay. The action may be ordered by the state agency or county agency and shall be brought in the name of the county by the county attorney of the county in which such assistance was granted against this person for the recovery of such amount of assistance granted after such notice, as hereinbefore provided, together with the costs and disbursements of such action.

Subdivision 2. **Real property without state.** The county agency shall require a recipient, as a prerequisite to receiving old age assistance, to sell all his real property situate without the state, having due regard to the nature and marketability of the property, and to use the proceeds for his support.

Subdivision 3. **Lien on real property within state.** No person shall be paid old age assistance without first giving the state a lien on all his property situate within the state as hereinafter provided.

Subdivision 4. **Amount of lien.** The total amount of old age assistance paid a recipient, including burial expenses, but without interest, shall be a lien in favor of the state upon all real property belonging to such recipient.

Subdivision 5. **Certificate of assistance.** No old age assistance shall be given under sections 256.11 to 256.43 until a certificate stating the name and residence of the recipient, the amount of assistance granted, the date when such assistance became effective, the name of the county granting the assistance and such other information as the state agency shall require shall have been prepared by the county agency granting assistance on a form provided therefor by the state agency. Such certificate, or a copy thereof, shall be filed by the county agency of the county granting assistance with the register of deeds of each county in this state where there is real property belonging to the recipient.

Subdivision 6. **Priority of lien.** Thereupon the lien hereby imposed shall arise. It shall attach to all real property then owned by the recipient or thereafter acquired, including joint tenancy interests, have effect in all counties in which such certificate shall have been filed, be for such amount as may be paid the recipient as old age assistance, and continue until the liability for such amount is satisfied. Such lien shall take priority over all other liens subsequently acquired, except that such lien shall not take priority over the claims of

children of the recipient for money actually expended by them in permanently improving the homestead of the recipient or in payment of the taxes or encumbrances thereon.

In case of the death of the recipient the debt secured by such lien shall be a claim against his estate and, after expenses of administration, funeral expenses, expenses of last illness, and debts having preference by the laws of the United States, and taxes, shall have priority over all other debts.

Subdivision 7. **Record.** The several registers of deeds shall keep a record of every certificate so filed, showing its date, the time of filing, the name and residence of the recipient, the name of the county granting assistance to him and any release or satisfaction of the lien. No fee shall be charged for the filing of such certificate, or the entry of the abstract thereof, except in counties where the register of deeds is compensated otherwise than by salary, and in such counties a fee of 25¢ shall be paid to the register of deeds by the county filing the certificate.

Subdivision 8. **Enforcement of lien.** Such liens, after filing, shall be enforced in the manner provided by law for the enforcement of mechanic's liens upon real property, provided, no such lien, and no claim under section 256.25 shall be enforced against the homestead of the lienor while occupied by his surviving spouse, or minor children.

Subdivision 9. **Release of lien.** When the county agency of the county granting assistance to a recipient is satisfied that the collection of the amount paid him as old age assistance will not be jeopardized or that the release of the lien against his property, in whole or in part, is necessary for the maintenance or support of the recipient, his spouse, minor or incapacitated children, or when the county agency is satisfied by competent evidence that the major portion of the investment in the recipient's homestead was made by the children of the recipient by personal services in the home or otherwise and that substantial justice can only be done by the release of the lien, it may, with the approval of the state agency, release such lien with respect to all or part of the real property of the recipient, and such release, or a certified copy thereof, shall be filed with the register of deeds of each county where the lien certificate is filed.

Subdivision 10. **Discharge of lien.** The recipient, his heirs, personal representatives, or assigns, may discharge such lien at any time by paying the amount thereof to the treasurer of the proper county who, with the approval of the county agency, shall execute a satisfaction thereof and file the same with the register of deeds of each county where the lien certificate is filed.

Subdivision 11. **Disqualification.** Any recipient who has hereto-

fore transferred or who hereafter transfers, or disposes of his property in order to avoid the application of this section shall be disqualified from receiving old age assistance.

(256.263) LAND ACQUIRED BY THE STATE UNDER OLD AGE ASSISTANCE LIENS. Subdivision 1. **Duty of county board.** When land shall have been acquired by the state under the provisions of Minnesota Statutes 1941, section 256.26, either by conveyance in settlement of the lien held by the state, or by foreclosure of such lien, it shall be the duty of the county board to manage and lease the real estate while the state continues to own it.

Subdivision 2. **Management.** While the state owns such real estate, if the county board by resolution stating the price to be paid in cash shall recommend the sale and conveyance thereof, and transmit a copy of such resolution to the state agency, upon the approval thereof by the director of social welfare, the director shall make an order approving the sale for the price recommended and transmit a copy thereof to the county auditor, in the county where the land is situated. Thereupon, when the purchase price is paid by the purchaser to the treasurer of such county, the chairman of the county board shall execute a deed in the name of the state, which shall be attested by the county auditor, conveying such land to the purchaser.

(256.27) REIMBURSEMENT OF UNITED STATES OUT OF AMOUNTS COLLECTED. When any amount shall be recovered from any source for assistance furnished under the provisions of sections 256.11 to 256.43, there shall be paid to the United States the amount which shall be due under the terms of the social security act and the balance thereof shall be paid into the treasuries of the state, county, town, village, borough, or city in the proportion in which they respectively contributed toward the total assistance paid.

(256.28) PAYMENT TO TRUSTEE OF RECIPIENT. All payments of old age assistance must be issued to the recipient except in those instances in which a legal guardian has been appointed by the court having jurisdiction to make such appointments.

(256.29) ASSIGNABILITY OF PENSION; EXEMPTION. No old age assistance given under sections 256.11 to 256.43 shall be transferable or assignable at law or in equity, except as provided in section 256.28; and no money paid or payable under sections 256.11 to 256.43 shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

(256.30) REPORTS BY RECIPIENT. Each recipient shall file such re-

ports with the county agency as the county agency or the state agency may from time to time require. The county agency may modify, suspend, or cancel any old age assistance certificate issued to any recipient on the basis of findings obtained during investigations by a representative of such county agency. If on inquiry it appears that a certificate which was suspended pending inquiry was properly obtained, the suspended installment shall be payable in due course. Any old age assistance paid in excess of the amount due shall be returned to the county and may be recoverable as a debt due the county.

(256.31) UNLAWFULLY OBTAINING ASSISTANCE; GROSS MISDEMEANOR. Any person who has obtained or who, by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device, hereafter obtained, or attempts to obtain, or aids or abets any person to obtain:

(1) An old age assistance certificate to which he is not entitled;

(2) More old age assistance than that to which he is justly entitled;

(3) Payment of any forfeited installment grant;

(4) Or who knowingly aids or abets any person buying or disposing of the property of the recipient with the intention to assist in receiving or qualifying any person for old age assistance;

(5) Or any recipient who transfers any personal property exceeding $300.00 in value without first giving notice to the county agency of his intention to do so; shall be guilty of a gross misdemeanor.

(256.32) CANCELATION OF CERTIFICATE. Where a recipient or applicant is convicted of an offense under section 256.31, the county agency may cancel the certificate or refuse to issue same.

(256.33) PAYMENT BY COUNTY; COST; REIMBURSEMENT. Each old age assistance granted under sections 256.11 to 256.43 shall be paid by the county in which an old age assistance certificate is issued and while the same is in effect. The cost of old age assistance grants in each county shall be borne as follows:

(1) Payments shall be made by the state to the counties of that portion of old age assistance paid by the federal government and the state on or before the 20th day of each month for the succeeding month upon requisition from the counties as to the amount required for the succeeding month. The expense of old age assistance grants shall be paid from federal funds available for that purpose and the balance not paid by federal funds shall be paid as follows: two-thirds by the state

from state funds and one-third by the counties from county funds; provided, that for payments made in excess of amounts matchable by federal funds, the cost shall be paid equally from county and state funds.

(2) Not exceeding one-fourth of any funds available for administrative purposes shall be used to defray necessary expenses of the state agency in the supervision of the old age assistance laws of this state, and the balance shall be used to repay the counties pro rata in the proportion the total number of recipients in the county bears to the total number of recipients in the state for the period in question.

(256.34) COUNTY BUDGET; LEVY; TRANSFER OF FUNDS; WARRANTS; OVERDRAFTS; CLAIMS FOR REIMBURSEMENT; PAYMENT. The providing of funds necessary to carry out the provisions of sections 256.11 to 256.43 on the part of the counties and the manner of administering and disbursing funds of the counties and the state shall be as follows:

(1) The board of county commissioners of each county shall annually set up in its budget an item designated as the county old age assistance fund and levy taxes and fix a tax rate for old age assistance sufficient to produce the full amount of such item, in addition to all other tax levies and tax rates, however fixed or determined, sufficient to carry out the provisions of sections 256.11 to 256.43 and to pay in full the county share of old age assistance and administrative expenses for the ensuing year; and annually on or before October 10th certify the same to the county auditor to be extended by him on the tax rolls. Such tax levy and tax rate shall make proper allowance and provision for shortage in tax collections.

(2) Any county may transfer surplus funds from any county fund, except the sinking or ditch fund, to the general fund or to the county old age assistance fund in order to provide moneys necessary to pay old age assistance awarded under sections 256.11 to 256.43. The money so transferred shall be used for no other purpose, but any portion thereof no longer needed for such purpose, shall be transferred back to the fund from which taken.

(3) Upon the orders of the county agency the county auditor shall draw his warrant on the proper fund in accordance with the orders and the county treasurer shall pay out the amounts ordered to be paid out as old age assistance under the provisions of sections 256.11 to 256.43. When necessary by reason of failure to levy sufficient taxes for the payment of the old age assistance in the county, the county board shall nevertheless authorize payment of the old age assistance and the county auditor shall carry any such payments as an overdraft on the old age assistance fund of the county until sufficient tax funds shall be provided

for the old age assistance payments. The board of county commissioners shall include in the tax levy and tax rate in the year following the year in which such overdraft occurred an amount sufficient to liquidate such overdraft in full.

(4) Claims for reimbursement shall be presented to the state agency by the respective counties in such manner as the state agency shall prescribe not later than ten days after the close of the month in which the expenditures were made. The state agency shall audit such claims and certify to the state auditor the amounts due the respective counties without delay. The amounts so certified shall be paid within ten days after such certification, from the state treasury upon warrant of the state auditor from any moneys available therefor. The moneys available to the state agency to carry out the provisions of sections 256.11 to 256.43, including all federal funds available to the state, shall be kept and deposited by the state treasurer in the revenue fund and disbursed upon warrants in the same manner as other state funds except that such warrants shall be countersigned by a member of the state agency or some other person thereunto duly authorized by resolution thereof.

(256.35) MANDAMUS TO COMPEL COMPLIANCE. In the event that the county agency or the county auditor, or both, of any county fails to comply with the provisions of sections 256.11 to 256.43, mandamus proceedings may be instituted against such county agency or county auditor, or both, by the state agency or any interested party to compel such county agency or county auditor, or both, to comply therewith.

(256.36) CHANGE OF RESIDENCE OF RECIPIENT. When a recipient changes his place of dwelling he shall notify the county agency in which his old age assistance certificate is in effect. If he removes to another county he shall declare whether such absence is temporary or for the purpose of taking up regular domicile. The county originally granting old age assistance shall continue to pay the same regardless of change of residence within the state by the recipient. Provided, however, after the period of one year, if the amount of such old age assistance is increased, then the county to which such old age recipient has moved shall pay the amount of the increase so allowed.

(256.37) FUNERAL EXPENSES PAID BY COUNTY; REIMBURSEMENT BY STATE. All funeral expenses paid under sections 256.11 to 256.43 shall, in the first instance, be paid by the county in which the deceased received his old age assistance certificate; and the state shall reimburse the county for 50 per cent of the payments made for reasonable funeral expenses from state funds.

(256.38) ASSISTANCE GRANTED UNDER PRIOR LAW; MODIFICATION OR REVOCATION. The claim of any person to any old age assistance existing on the effective date of sections 256.11 to 256.43, which claim has been granted under any old age assistance law of this state, shall continue as a valid order for old age assistance under sections 256.11 to 256.43 for the amount previously approved; provided, that such old age assistance may be modified, suspended, or revoked by the county agency or the state agency in the same manner as though the old age assistance was originally granted under sections 256.11 to 256.43.

(256.39) MODIFICATION BY GROUPS. Neither the county agency nor the state agency shall have the power to modify any old age assistance as a group but must consider each application, each modification, and each old age assistance individually upon its merits.

(256.40) SUSPENSION OF PRIOR LAWS; VALIDATION; ACT INOPERATIVE IN EVENT OF REPEAL OR INVALIDITY OF FEDERAL LAW; INSTRUMENTS, HOW SIGNED. All tax levies, agreements, mortgages, and liens made pursuant to Laws 1935, Chapter 357, are hereby in all respects validated and confirmed, and all funds received or to be received are hereby made available to the respective county agencies for the purpose of paying old age assistance and administrative costs authorized in sections 256.11 to 256.43. During the period sections 256.11 to 256.43 are in effect Mason's Minnesota Statutes of 1927 (1934 Supplement), Sections 3183-1 to 3183-22, inclusive, and all acts or parts of acts, general and special, inconsistent with the provisions of sections 256.11 to 256.43 and not expressly repealed hereby are hereby suspended, except all tax levies, and reimbursements due counties from local units of government, made pursuant to these laws, which are hereby in all respects validated and confirmed and shall remain in full force and effect for the periods for which made; and all funds received or to be received are hereby made available to the respective county agencies for the purpose of paying old age assistance and administrative costs authorized in sections 256.11 to 256.43 and shall be subject to sections 256.11 to 256.43. In the event that title 1 of the social security act, same being Public No. 271, of the 74th congress (Mason's U. S. Code, Anno., title 42, ch. 7), shall at any time be repealed or become void by final decision of the supreme court of the United States, then sections 256.11 to 256.43 shall become and be suspended and inoperative, and all laws and parts of laws hereby suspended shall again become operative and be in full force and effect. All instruments necessary to accomplish the intent of this section shall be signed by a majority of the members of the county agency in office on the date of such instrument, and when so executed shall be effective to accomplish the results herein provided for.

(256.41) RESERVATION OF RIGHT TO AMEND, REPEAL, OR SUSPEND LAW. Anything in sections 256.11 to 256.43 to the contrary notwithstanding, the legislature reserves the right to alter, amend, repeal, or suspend at any time the whole or any part or portion thereof.

(256.42) ACT DEPENDENT ON FEDERAL AID; REDUCTION OF ASSISTANCE. Sections 256.11 to 256.43, in their various terms and provisions, including the amount of old age assistance paid to an individual hereunder, is intended to comply with and give effect to the social security act referred to therein. In the event federal funds shall not be available or shall be inadequate to pay in full one-half of all old age assistance grants contemplated by sections 256.11 to 256.43, then and in such case, and until federal funds are available in full, the county agency of each county may reduce each old age assistance grant by an amount equal to such deficiency.

(256.43) APPROPRIATION. All federal funds made available for the purposes of sections 256.11 to 256.43 are hereby appropriated to the state agency to be disbursed and paid out in accordance with the provisions thereof.

(256.44) SUPPLEMENTAL AID TO OLD AGE ASSISTANCE IN DISTRESSED COUNTIES; WHAT CONSTITUTES DISTRESS. Any county in the state of Minnesota with a tax delinquency as shown by the annual report of the commissioner of taxation in excess of 40 per cent for all real and personal property tax levies for all units of government for any year, or in which the average return of tax levied for all units during any year is in excess of 110 mills, shall be known as a distress county.

(256.45) FUND; DISTRIBUTION. Out of moneys hereafter appropriated by the state for old age assistance there shall be set aside a sum of money into a separate fund to be known as the supplemental reimbursement fund in an amount which, after deducting the amounts of money actually collected in each county for old age assistance, shall be sufficient to grant to each county supplemental aid in such amount as may be necessary to pay old age assistance in such county to the extent that pensions shall be uniform throughout the state, having regard for varying costs of living and conditions in various parts of the state. Such sum of money so set aside shall not exceed the sum of $250,000 annually.

(256.46) CERTIFICATION OF DISTRESS; PAYMENT. When any distressed county shall, through its auditor, and by resolution of the county board, certify to the state agency that within the county there was levied an amount of money which, if collected, would have been sufficient to

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pay old age assistance therein, certify that the county comes within the definition of a distressed county, certify to the percentage of delinquency existing in the county, as the same has been determined or may be reasonably anticipated, certify the amount of money it has in its old age assistance fund and the amount of delinquency that will exist in the fund, in so far as the same may be anticipated, certify the number of persons receiving old age assistance and the average payment for old age assistance being made, and certify the amount of money which, in its judgment, will constitute a delinquency due to delinquency in tax payments, the state agency may pay to such county such sums of money out of the funds hereinbefore provided for as supplemental old age assistance aid to such county.

(256.47) CERTIFICATION AS TO LEVY OF TAX EXCUSED IN CERTAIN CASES. Any county in this state having a tax delinquency of 60 per cent or more and having an assessed valuation, exclusive of money and credits, not exceeding $3,500,000, according to the latest annual report of the commissioner of taxation, which failed to levy sufficient taxes and fix a sufficient tax rate for old age assistance for the year 1937 pursuant to section 256.34, shall not be required to certify to the state agency that such county levied an amount of money, for the year 1937, which, if collected, would have been sufficient to pay old age assistance therein for the year 1937 as provided in section 256.46; but any such county shall otherwise fully comply with the provisions of section 256.46; but nothing herein contained shall be construed to exempt any such county from fully complying with all the provisions of section 256.46 for any subsequent years.

(256.48) CERTIFICATION AS TO TAX LEVY UNNECESSARY IN CERTAIN COUNTIES. Any distressed county in which 50 per cent or more of the area therein is within a federal or state forest area shall not be required to certify to the state agency that within such county there was levied an amount of money, which, if collected, would have been sufficient to pay old age assistance therein, but such county shall otherwise fully comply with the provisions of section 256.46.

PART IV

AID TO DEPENDENT CHILDREN

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(256.12) Subdivision 10. **State agency.** As used in sections 256.11 to 256.43, 256.49 to 256.71, and 256.72 to 256.87, the term "state agency" means the director of social welfare in the department of social security.

(256.12) Subdivision 9. **County agency.** As used in sections 256.72 to 256.87, "county agency" means the county board of public welfare as established by law.

(256.12) Subdivision 14. **Dependent child.** "Dependent child," as used in sections 256.72 to 256.87, means a child under the age of 18 years who, if school facilities are available, is regularly attending school, if physically able and above the minimum school age, or who is under compulsory school age, or who is physically unable to attend school, or who is over compulsory school age, but through physical or mental disability is unable to be employed, or who is over compulsory school age and unemployed, but where further schooling is inadvisable in the opinion of the county agency and his unemployment is without fault on his part, and who is found to be deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and whose relatives, liable under the law for his support are not able to provide, without public assistance, adequate care and support of such child, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt in a place of residence maintained by one or more of such relatives as his or their home.

(256.12) Subdivision 15. **Continued absence from the home.** "Continued absence from the home," as used in sections 256.72 to 256.87, means the absence from the home of the parent, whether or not entitled to the custody of the child, by reason of being an inmate of a penal institution under a sentence which will not terminate within three months after the date of application for assistance under sections 256.72 to 256.87, or a fugitive after escape therefrom, or absence from the home by the parent for a period of at least three months continuous duration together with failure on the part of the absent parent to support the child, provided that reasonable efforts have been made to secure support for such child from the defaulting parent, and, if such child shall have been abandoned in this state, that a warrant for arrest shall have been issued for such abandonment.

(256.01) Subdivision 4. **Duties as state agency.** The state agency shall:

(1) Supervise the administration of assistance to dependent chil-

dren under Laws 1937, Chapter 438, by the county agencies in an integrated program with other service for dependent children maintained under the direction of the state agency;

(2) May subpoena witnesses and administer oaths, make rules and regulations, and take such action as may be necessary or desirable for carrying out the provisions of Laws 1937, Chapter 438. All rules and regulations made by the state agency shall be binding on the counties and shall be complied with by the respective county agencies;

(3) Establish adequate standards for personnel employed by the counties and the state agency in the administration of Laws 1937, Chapter 438, and make the necessary rules and regulations to maintain such standards;

(4) Prescribe the form of and print and supply to the county agencies blanks for applications, reports, affidavits, and such other forms as it may deem necessary and advisable;

(5) Cooperate with the federal government and its public welfare agencies in any reasonable manner as may be necessary to qualify for federal aid for aid to dependent children and in conformity with the provisions of Laws 1937, Chapter 438, including the making of such reports in such forms and containing such information as the Federal Social Security Board may from time to time require, and comply with such provisions as such board may from time to time find necessary to assure the correctness and verification of such reports; and

(6) May cooperate with other state agencies in establishing reciprocal agreements in instances where a child receiving aid to dependent children moves or contemplates moving into or out of the state, in order that such child may continue to receive supervised aid from the state from which he has moved until he shall have resided for one year in the state to which he has moved; and

(7) Make an annual report to the governor not later than four months after the close of each fiscal year showing for such year the total amount paid under Laws 1937, Chapter 438; the total number of persons assisted, and such other particulars as it may deem advisable.

(256.72) DUTIES OF COUNTY AGENCIES. The county agencies shall:

(1) Administer the provisions of sections 256.72 to 256.87 in the respective counties subject to the rules and regulations prescribed by the state agency pursuant to the provisions of those sections;

(2) Report to the state agency at such times and in such manner and form as the state agency may from time to time direct; and

(3) Submit quarterly and annually to the county board of commissioners a budget containing an estimate and supporting data setting forth the amount of money needed to carry out the provisions of those sections.

(256.73) WHO ENTITLED TO ASSISTANCE. Assistance shall be given under sections 256.72 to 256.87 to any dependent child who:

(1) Has resided in the state for one year immediately preceding the application for such assistance; or was born of a mother who has so resided; and whose mother, if she be the applicant, is a citizen of the United States or has declared her intention to become such a citizen. The county responsible for the payment of assistance under sections 256.72 to 256.87 shall be the county in which said child has resided for the year preceding the application for assistance; provided, that if said child has not resided continually in any one county for the year preceding said application, then the county in which said child has resided for the longest period of time during said year shall be responsible for the payment of assistance under sections 256.72 to 256.87, subject to the provisions of section 256.79.

(2) Is living in a suitable home conducted by a family having as far as practicable the same religious faith as the family of the child and meeting the standards of care and health fixed by the laws of this state and rules and regulations of the state agency thereunder.

(3) The ownership by a father or mother of property as follows shall be a bar to any allowance under sections 256.72 to 256.87:

(a) Personal property of a reasonable market value in excess of $300.00, exclusive of appropriate clothing and necessary household furniture and equipment, and of such tools, implements, and domestic animals as in the opinion of the county agency it is expedient to retain for the purpose of reducing the expense or increasing the income of the family; or

(b) Real estate not used as a home, provided that if such real estate does not produce net income sufficient to meet the family budget and there is no available market for the sale of such property, or if the price which can be obtained on the prevailing market is not fair and reasonable considering the applicant's interest therein and the possibilities of sale of said property for a greater amount within a reasonable length of time thereafter then in that event, in the discretion of the county agency, ownership of the same shall not be a bar to an allowance under sections 256.72 to 256.87. Net income shall be the residue after payment from gross income of taxes, insurance, maintenance, and interest on encumbrances, if any, on the property, provided that in computing net income the gross income shall not be charged with any expenses to-

ward betterment of the property as improvements or by payment on the principal of a mortgage; provided, that the net income thus derived shall be applied on the family budget.

(256.74) ASSISTANCE. Subdivision 1. **Amount.** The amount of assistance which shall be granted for any dependent child shall be determined by the county agency with due regard to the resources and necessary expenditures of the family and the conditions existing in each case and in accordance with the rules and regulations made by the state agency and shall be sufficient, when added to all other income and support available to the child, to provide such child with a reasonable subsistence compatible with decency and health, not to exceed $40.00 per month for the first child and not to exceed $15.00 per month for the second child and $12.00 per month for each additional child in the same home.

Subdivision 2. **Application for.** Application for assistance under sections 256.72 to 256.87 shall be made to the county agency of the county from which the dependent child is entitled to receive assistance as provided in section 256.73. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the state agency and verified by the oath of the applicant. The application shall be made by the person with whom the child will live and contain information as to the age and residence of the child and such other information as may be required by the rules and regulations of the state agency. One application may be made for several children of the same family if they reside with the same person.

(256.75) INVESTIGATIONS TO BE MADE BY COUNTY AGENCIES. When a county agency receives a notification of the dependency of a child or an application for assistance an investigation and record shall be made within a reasonable time of the circumstances to ascertain the dependency of the child or the facts supporting the application made under sections 256.72 to 256.87 and such other information as may be required by the rules of the state agency.

(256.76) SHALL DETERMINE THE AMOUNT OF ASSISTANCE. Upon the completion of such investigation the county agency shall decide whether the child is eligible for assistance under the provisions of sections 256.72 to 256.87, determine the amount of such assistance, and the date on which such assistance shall begin. It shall make a grant of assistance which shall be binding upon the county and be complied with by the county until such grant is modified or vacated. The county agency shall notify the applicant of its decision in writing. Such assistance shall be paid monthly to the applicant upon order of the county agency from funds appropriated to the county agency for this purpose. The county

agency shall, upon the granting of assistance under those sections, file an order on the form to be approved by the state agency with the auditor of the county and thereafter warrants shall be drawn and payments made only in accordance with this order to recipients of this assistance or in accordance with any subsequent order.

(256.77) COUNTY AGENCY TO REPORT TO STATE DEPARTMENT. Subdivision 1. **Appeal to state agency.** The county agency shall at once report to the state department its decision upon each application. Any applicant or recipient aggrieved by any order or determination by the county agency may appeal from such order or determination to the state agency. Such appeal may be taken if the application is not acted upon within a reasonable time by the county agency. Before making such appeal to the state agency the applicant or recipient shall give written notice to the county agency that he is not satisfied with its decision or its delay in acting upon his application. Upon the filing of such notice of dissatisfaction, the county agency shall make an order fixing the time and place for hearing thereon, which hearing shall be held within the ensuing 30 days. Copies of such order shall be forthwith mailed to the applicant or recipient and the state agency. The county agency may adhere to the decision already made or modify the same and copies of such new decision shall be forthwith mailed to the applicant or recipient and the state agency. If the applicant or recipient is then dissatisfied he may, within 30 days after the mailing of such decision, appeal to the state agency as herein provided. The state agency shall, upon receipt of such an appeal, notify the county agency and review the case, giving the applicant or recipient an opportunity for a fair hearing before such state agency. The state agency may upon its own motion review any decision of the county agency and consider any application upon which a decision has not been made by the county agency within a reasonable time. Any applicant aggrieved by a decision of the state agency made upon its own motion shall be granted an opportunity for a fair hearing before the state agency.

Subdivision 2. **Investigation by state agency.** The state agency may make such additional investigation as it may deem necessary and shall make such decision as to the granting of assistance and the amount of assistance to be granted as in its opinion is justified and in conformity with the provisions of sections 256.72 to 256.87. Any applicant or recipient shall have the right to produce any evidence that he desires and be represented by a friend or counsel at all hearings before any administrative agency considering his case. All decisions of the state agency shall be binding upon the county agency involved and the applicant or recipient and shall be complied with by such county agency unless modified or reversed on appeal as hereinafter provided.

Subdivision 3. **Appeal to district court.** If a decision or determination by the state agency is not, in the opinion of the county agency or applicant or recipient, in conformity with those sections, either may within 30 days after such decision appeal from the decision or determination of the state agency to the district court of the county in which the application was filed by serving a copy of a written notice of such appeal upon the state agency and adverse party and filing the original of such written notice, together with proof of service, with the clerk of the district court of the county. Such appeal may be brought on for hearing by either party by mailing ten days' written notice stating the time and place of such hearing. Upon serving of such notice, the state agency shall, if demanded, furnish the county agency and applicant or recipient a summary of the issues involved, a copy of all supporting papers, a transcript of any testimony, and a copy of its decision. The court shall summarily, upon ten days' written notice, try and determine the appeal upon the record of the state agency as certified to it and in its determination shall be limited to the issue as to whether the order of the state agency is fraudulent, arbitrary, or unreasonable. No new or additional evidence shall be taken on such appeal or introduced by any party to such hearing on appeal in the district court, unless such new or additional evidence, in the opinion of the court, is necessary to a more equitable disposition of the appeal. If the court shall find the order of the state agency fraudulent, arbitrary, or unreasonable, the court shall, within 30 days make an order declaring the order of the state agency null and void, giving its reasons therefor, and shall order the state agency to take further action in the matter not inconsistent with the determination of the court.

Subdivision 4. **Hearing; reference.** The matter may be heard by the district court at any general or special term thereof or out of term or in chambers; and in judicial districts having more than one judge, the senior or presiding judge shall hear the same, or if unable to do so, shall refer the matter to some other judge in the district.

Subdivision 5. **Appeal to supreme court.** The applicant or recipient or the county agency or the state agency may appeal from the order of the district court to the supreme court in the same manner as other appeals in civil actions. No costs or disbursements shall be taxed against any party on appeals to the district court or to the supreme court.

Subdivision 6. **Payments made pending hearings and appeals.** All grants of assistance or aid shall be paid pending the hearing and determination of appeals to the district court or supreme court when such assistance or aid is ordered paid by the state agency.

(256.78) ASSISTANCE GRANTS RECONSIDERED. All assistance

granted under sections 256.72 to 256.87 shall be reconsidered as frequently as may be required by the rules of the state agency. After such further investigation as the county agency may deem necessary or the state agency may require, the amount of assistance may be changed or assistance may be entirely withdrawn if the state or county agency find that the child's circumstances have altered sufficiently to warrant such action. The county agency may for cause at any time revoke, modify, or suspend any order for assistance previously made. When assistance is thus revoked, modified, or suspended the county agency shall at once report to the state agency such decision together with supporting evidence required by the rules of the state agency. All such decisions shall be subject to appeal and review by the state agency as provided in section 256.77.

(256.79) REMOVAL TO ANOTHER COUNTY. Any child qualified for and receiving assistance pursuant to the provisions in sections 256.72 to 256.87 in any county in this state, who moves or is taken to another county in this state shall be entitled to continue to receive assistance from the county from which he has moved or has been taken until he shall have resided for one year in the county to which he has moved. When he has resided one year in the county to which he has moved, or has been taken, the county agency of the county from which he has moved shall transfer all necessary records relating to the child to the county agency of the county to which he has moved.

(256.80) COUNTY BOARD TO APPROPRIATE MONEY; MANDATORY. The county board of commissioners in each county in this state shall appropriate annually such sum as may be needed to carry out the provisions of sections 256.72 to 256.87, including expenses of administration based upon a budget prepared by the county agency, after taking into account state aid, and to include in the tax levy for such county the sum or sums appropriated for that purpose. Should the sum so appropriated be expended or exhausted during the year and for the purpose for which it was appropriated additional sums shall be appropriated by the board of county commissioners.

(256.81) COUNTY AGENCY TO PAY TO RECIPIENT; KEEP RECORDS; ACCEPT REPAYMENT IN PART FROM STATE. The county agency shall keep such records, accounts, and statistics in relation to aid to dependent children as the state agency shall prescribe.

(2) Each grant of aid to dependent children shall be paid to the recipient by the county agency in the first instance.

(3) The county shall be paid from the state and federal funds available therefor the amount provided for in section 256.82.

(4) Not exceeding two-thirds of the balance of any federal funds made available annually to the state agency for carrying out the purposes of sections 256.72 to 256.87, after the payment to the county of the state and federal share of the county's total expenditures for aid to dependent children, as provided in section 256.82, shall be used to repay the counties' necessary administrative expenses pro rata in the proportion the total number of recipients in each county bears to the total number of recipients in the state for the period for which such funds were received and are available, and the balance of any such sum shall be available to the state agency to defray the necessary expenses of the state agency.

(256.82) PAYMENTS BY THE STATE. Based upon estimates submitted by the county agency to the state agency, which shall be submitted on or before the 15th day of each month, and shall state the estimated required expenditures for the succeeding month, upon the direction of the state agency payment shall be made monthly in advance by the state to the counties of all federal funds available for that purpose for such succeeding month, together with an amount of state funds equal to 50 per cent of the difference between the total estimated cost and the federal funds so available. Adjustment of any overestimate or underestimate made by any county shall be made upon the direction of the state agency in any succeeding month.

(256.83) VIOLATIONS A MISDEMEANOR. Whoever obtains, or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device;

(1) Assistance to which he is not entitled;

(2) Assistance greater than that to which he is justly entitled; is guilty of a misdemeanor; and, upon the conviction thereof, shall be fined not more than $100.00 or imprisoned for not more than three months.

(256.84) UNITED STATES GOVERNMENT ASSISTANCE NOT TO BAR AID. The receipt or possession by any person of sums received from United States government war risk insurance or any government compensation shall not be a bar to the granting of an allowance provided for in sections 256.72 to 256.87 if, in the opinion of the county agency having jurisdiction to order the allowance, such insurance or compensation is not sufficient to maintain the children, in whose behalf an allowance is requested, in their own home.

(256.85) LIBERAL CONSTRUCTION. Sections 256.72 to 256.87 shall be liberally construed with a view to accomplishing their purpose, which

is hereby declared to be to enable the state and its several counties to cooperate with responsible mothers or relatives in rearing future citizens, when such cooperation is necessary on account of relatively permanent conditions, in order to keep the family together in the same household, reasonably safeguard the health of the mother and secure to the children during their tender years her personal care and training.

(256.86) UNITED STATES FUNDS TO BE APPROPRIATED TO STATE AGENCY. All moneys received, or to be received, from the United States government for aid to dependent children are hereby appropriated to the state agency for the purpose of carrying out the provisions of sections 256.72 to 256.87.

(256.87) LIMITATIONS; RIGHTS; CITATION. Subdivision 1. **Not to limit actions.** Nothing in sections 256.72 to 256.87 shall be deemed to be inconsistent with any right of action against a relative of a poor person conferred by law.

Subdivision 2. **Not to be vested right.** All assistance granted under those sections shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that may hereafter be passed and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act.

Subdivision 3. **Citation.** Sections 256.72 to 256.87 may be cited as the "1937 Aid to Dependent Children Act."

PART V

BLIND ASSISTANCE

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BLIND ASSISTANCE

A— Aid to The Blind

(256.12) DEFINITIONS. Subdivision 2. **Assistance.** As used in sections 256.49 to 256.71, the word "assistance" means any money payments to blind persons in need as provided for therein.

Subdivision 4. **Applicant.** As used in sections 256.49 to 256.71, the word "applicant" means a person who has applied for assistance thereunder.

Subdivision 6. **Recipient.** As used in sections 256.49 to 256.71, the word "recipient" means a person who has received assistance under the terms thereof.

Subdivision 8. **County agency.** As used in sections 256.49 to 256.71, the term "county agency" means a county welfare board.

Subdivision 10. **State agency.** As used in sections 256.11 to 256.43, 256.49 to 256.71, and 256.72 to 256.87, the term "state agency" means the director of social welfare in the department of social security.

Subdivision 11. **Blind person.** As used in sections 256.49 to 256.71, the term "blind person" means a person who has no vision or who, with the help of eye glasses or other resources, has not sufficient ocular power for the ordinary affairs of life.

Subdivision 12. **Ophthalmologist.** The word "ophthalmologist," as used in sections 256.49 to 256.71, means a physician licensed to practice medicine in this state and who is actively engaged in the treatment of diseases of the human eye.

Subdivision 13. **Rehabilitation.** As used in sections 256.49 to 256.71, the word "rehabilitation" means any medical or surgical treatment, vocational training, or social service intended to improve the individual's physical, social, and economic condition.

(256.49) STATE AGENCY; DUTIES AS TO BLIND PERSONS. The state agency shall:

(1) Supervise the administration of assistance to the needy blind under sections 256.49 to 256.71, and administer same in cooperation with county agencies, as hereinafter provided;

(2) Make all rules and regulations and take such action as may be necessary or desirable for the carrying out of the provisions of sections 256.49 to 256.71. All rules and regulations made by the state agency shall be binding on the counties, and shall be complied with by the respective county agencies;

(3) Establish minimum standards for personnel employed by the state agency in the administration of sections 256.49 to 256.71, and make rules and regulations necessary to maintain such standards;

(4) Prescribe the form of and print blanks for applications, reports, affidavits, and such other forms as it may deem necessary and advisable;

(5) Cooperate with the federal social security board created under title 7 of the social security act approved August 14, 1935, or other agency of the federal government, in any reasonable manner as may be necessary to qualify for federal aid for assistance to the needy blind and in conformity with the provisions of sections 256.49 to 256.71; including the making of such reports in such form, and containing such information as the federal agency of the federal government may from time to time require, and comply with such provisions as such board may from time to time find necessary to assure the correctness and verification of such reports;

(6) Appoint a suitable number of ophthalmologists, duly licensed to practice in Minnesota and actively engaged in the treatment of diseases of the human eye, to examine applicants and recipients of assistance to the blind;

(7) Fix and pay to ophthalmologists, from funds appropriated to the state agency, fees for examination of applicants and recipients, and also pay necessary travel and incidental expenses incurred in connection with such examination;

(8) Maintain proper records of all persons making application for and receiving assistance under sections 256.49 to 256.71;

(9) Promptly examine all applications and other supporting evidence submitted, as therein provided, and determine;

(a) Eligibility as to blindness; and

(b) The possibility for rehabilitation or other constructive service.

No application shall be approved until the applicant has been examined by an ophthalmologist designated or approved by the state agency to make such examination and the possibility of a rehabilitation program determined by the state agency.

(256.50) COUNTY AGENCY; DUTIES FOR BLIND PERSONS. The county agency shall render to the state agency such service in connection with the administration of sections 256.49 to 256.71 as the state agency may, from time to time, find necessary and advisable.

(256.51) PUBLIC ASSISTANCE. Assistance shall be given under sections

256.49 to 256.71 to any person who:

(1) Is an adult blind person found, by the state agency, to be in need of financial assistance to enable him to pay for his maintenance or for other purposes;

(2) Has lost his eyesight while a resident of the state, or shall have resided in the state for a period of five years during the nine years immediately preceding the filing of the application for assistance, the last year of which shall be continuous and immediately precede such application;

(3) Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health;

(4) Is not an inmate of, or being maintained by any municipal, county, state, or national or institution at the time of receiving assistance; an inmate of an institution may make application for such assistance, but the assistance, if granted, shall not begin until after he ceases to be an inmate of the institution;

(5) Has not made an assignment or transfer of property, so as to render himself eligible for assistance under these sections, at any time within two years immediately prior to the filing of application for assistance pursuant to the provisions thereof;

(6) Is not, because of his physical or mental condition, in need of continuing institutional care;

(7) Is not, while receiving assistance under these sections, soliciting alms;

(8) Is not, while receiving assistance under these sections, receiving old age assistance.

(256.52) WHO MAY RECEIVE ASSISTANCE. No person receiving a grant under sections 256.49 to 256.71 shall at the same time receive any other public relief from the state or from any instrumentality or politial subdivision thereof except for temporary medical and surgical assistance.

(256.53) AMOUNT OF ASSISTANCE. The amount of assistance which any recipient shall receive shall be determined by the state agency, with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and in accordance with the rules and regulations made by the state agency, and sufficient, when added to all other income and support of the recipient, to provide him with a reasonable subsistence compatible with decency and health.

In the event the family or dependents of a needy blind person re-

ceive any other form of public relief, the state, or any instrumentality or political subdivision thereof, shall exclude, in determining the amount of assistance to be allotted such family or dependents, the amount of $16.00 per month from any sums granted to a needy blind person hereunder, but if such grant to a needy blind person hereunder is less than $25.00 per month the whole amount shall be so excluded.

(256.54) APPLICATIONS. Application for assistance under sections 256.49 to 256.71 shall be made to the state agency. The application shall be in writing, or reduced to writing in the manner and upon the form prescribed by the state agency, and verified by the oath of the applicant. Such application shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all income which he may have at the time of the filing of the application and such other information as may be prescribed by the state agency.

(256.55) INVESTIGATIONS. When an application for assistance under sections 256.49 to 256.71 is received the state agency shall immediately arrange for an examination as to the blindness of the applicant by an ophthalmologist designated by the state agency, and shall cause to be made such social and economic investigation as may be necessary to determine facts supporting the application made under sections 256.49 to 256.71, and such other information as may be required by rules and regulations of the state agency.

The state agency and the officers and authorized employees thereof shall have the power to conduct examinations and subpoena witnesses. The officers and employees designated by the state agency may administer oaths.

(256.56) EXAMINATION OF APPLICANTS. No application shall be approved until the applicant has been examined by an ophthalmologist designated by the state agency to make such examinations. The examining ophthalmologist shall certify, in writing, upon forms prescribed by the state agency as to diagnosis, prognosis, and visual acuity of the applicant.

(256.57) STATE AGENCY TO DETERMINE ELIGIBILITY. Upon the completion of such examination the state agency shall determine the eligibility of the applicant for assistance under the provisions of sections 256.49 to 256.71, and determine the amount of assistance, if any, and the date on which it shall begin. In determining the amount of assistance account shall be taken of any income or property of the applicant, and any support which he may receive from other sources. The state agency shall notify the applicant of its decision in writing. Assistance shall be paid monthly from funds appropriated to the state

agency for such purposes, and from moneys furnished to the state of Minnesota by the federal government for such purposes.

(256.58) GUARDIANS. If in the opinion of the state agency a blind recipient is incapable of handling his own affairs, or the assistance received under sections 256.49 to 256.71 is not used for his best interests, the state agency may arrange for the appointment of a legal guardian, and when appointment is made the state agency shall pay the assistance through such guardian.

(256.59) ASSISTANCE NOT TRANSFERABLE. All assistance granted under sections 256.49 to 256.71 shall not be transferable or assignable, at law or in equity, and none of the money paid or payable under these sections shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

(256.60) APPEALS. If an application is not acted upon within 60 days after the filing thereof the applicant may appeal to the state agency in the manner and form prescribed herein. Any applicant who is aggrieved by any order or determination of the state agency may request a reconsideration of his application and shall be entitled to a fair and impartial hearing before the state agency. All requests for reconsideration by the state agency shall be made in writing.

The state agency may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance and the amount of assistance to be granted the applicant as, in its opinion, is justified and in conformity with the provisions of sections 256.49 to 256.71.

If any final decision or determination by the state agency is not, in the opinion of the applicant or recipient, in conformity with these sections, either may, within 30 days after such decision, appeal from the decision or determination of the state agency to the district court of the county in which the application was filed or in which the applicant resides, by serving a copy of a written notice of such appeal upon the state agency and filing the original of such written notice, together with proof of service, with the clerk of the district court of the county. Such appeal may, upon not less than ten days' written notice, be brought on for hearing by either party before the district court at any general or special term, out of term, or in chambers; and, in judicial districts having more than one judge, the senior or presiding judge shall hear the same or, if unable, refer the matter to some other judge in the district. Upon serving of such notice, the state agency shall furnish all parties in interest a concise statement of the issues involved, copies of all supporting papers, a transcript of the testimony taken at the hear-

ing before the state agency and a copy of its decision. The court shall summarily, upon ten days' written notice, try and determine the appeal upon the record of the state agency as certified to it and in its determination shall be limited to the issue as to whether the order of the state agency is fraudulent, arbitrary, or unreasonable. No new or additional evidence shall be taken on such appeal or introduced by any party to such hearing on appeal in the district court, unless such new or additional evidence, in the opinion of the court, is necessary to a more equitable disposition of the appeal. If the court finds the order of the state agency fraudulent, arbitrary, or unreasonable, the court shall make an order declaring the order of the state agency null and void, giving its reasons therefor, and order the state agency to take further action in the matter not inconsistent with the determination of the court.

During the pendency of the appeal, if the state agency has awarded assistance to a recipient, this assistance shall be paid to him pending the determination of the appeal. The state agency and the district court shall construe these sections liberally in favor of the blind applicant to the end that the applicant shall be awarded sufficient assistance compatible with decency and health.

(256.61) RECONSIDERATION OF ASSISTANCE GRANTS. All assistance grants made under sections 256.49 to 256.71 shall be reconsidered as frequently as may be required by the rules of the state agency. After such reconsideration, the grant of assistance may be modified, suspended, or revoked as indicated by a reinvestigation of the recipient's financial circumstances as determined upon his living needs.

(256.62) REEXAMINATIONS. Every recipient shall submit to a reexamination as to his eyesight at least once in every three years and at other times when required to do so by the state agency, unless excused therefrom by the state agency. He shall furnish any information required by the state agency for the purpose of establishing his continued eligibility for assistance under sections 256.49 to 256.71.

(256.63) WHO MAY NOT RECEIVE ASSISTANCE. No assistance under sections 256.49 to 256.71 shall be granted or continued to any person who refuses medical, surgical, or other treatment when his eyesight may be partially or wholly restored by such treatment, and a certificate in writing to that effect is made by three properly qualified and licensed ophthalmologists, one selected by the affected person, one selected by the state agency, and one selected by the first two. Any person denied assistance upon this ground may appeal to the state agency in the manner provided therein.

(256.64) SHALL NOTIFY STATE AGENCY OF ACQUISITION OF STATE PROPERTY. If at any time during the continuance of assistance under sections 256.49 to 256.71 the recipient thereof becomes possessed of any property or income in excess of the amount stated in the application provided for in section 256.54, it shall be the duty of the recipient to notify the state agency of the receipt, or possession of such property or income, and the state agency may, after investigation, either cancel the assistance or alter the amount thereof in accordance with the circumstances. Any assistance paid after the recipient has come into the possession of such property or income and in excess of his need shall be recoverable by the state as a debt due the state.

(256.65) ASSISTANCE TO BE CLAIM AGAINST ESTATE OF DECEDENT. On the death of any recipient the total amount of assistance paid under sections 256.49 to 256.71 shall be allowed as a claim against the estate of such person.

(256.66) RECIPIENT WHO MOVES TO NOTIFY STATE AGENCY. Any recipient who moves to another county in this state shall notify the state agency.

(256.67) PAYMENTS TO BE MADE MONTHLY. All payments of aid to the blind provided for in sections 256.49 to 256.71 shall be made monthly, in accordance with rules and regulations of the state agency. The state agency shall certify to the state auditor the amounts due the respective recipients. The amounts so certified shall be paid within ten days after such certification from the state treasury upon the warrants of the state auditor from any moneys available therefor. The moneys available to the state agency to carry out the provisions of those sections, including all federal funds available to the state, shall be kept and deposited by the state treasurer in the "aid to the blind" fund and disbursed upon warrants in the same manner as other state funds except that such warrants shall be countersigned by the state agency or some other person duly authorized. Any interest accruing on such fund shall be credited to that fund.

(256.68) FRAUDULENT CLAIMS; PENALTY. Whoever obtains, or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, or by impersonation or other fraudulent device, assistance to which he is not entitled, or assistance greater than that to which he is entitled, or knowingly aids or abets in buying or in any way disposing of the property of a recipient of assistance without the consent of the state agency with intent to defeat the purposes of sections 256.49 to 256.71, shall be guilty of a misdemeanor; and, upon conviction thereof, fined not more than $100.00 or imprisoned

for not more than three months, or both fined and imprisoned in the discretion of the court.

(256.69) NO VESTED RIGHTS IN GRANTS. All assistance granted under sections 256.49 to 256.71 shall be deemed to be granted and held subject to the provisions of any amending or repealing act that may hereafter be passed and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing act.

(256.70) HOW CITED. Sections 256.49 to 256.71 may be cited as the "Aid to the Blind Act."

(256.71) APPROPRIATION OF UNITED STATES AID. All moneys received or to be received from the United States government for aid to the needy blind are hereby appropriated for the purpose of carrying out the provisions of sections 256.49 to 256.71.

B— Blind Rehabilitation

(248.07) DUTIES OF DIRECTOR OF SOCIAL WELFARE. Subdivision 1. **Cooperation.** It shall be the duty of the director of social welfare to cooperate with state and local boards and agencies, both public and private, in preventing loss of sight, in alleviating the condition of blind persons and persons of failing sight, in extending and improving the education, advisement, training, placement, and conservation of the blind, and in promoting their personal, economic, social, and civic well being.

Subdivision 2. **Statistics.** The director of social welfare shall collect statistics of the blind, including their present physical and mental condition, causes of blindness, capacity for education and industrial training, and any further information looking toward the improvement of their condition that may be desired.

Subdivision 3. **Special attention.** The director of social welfare shall give special attention to the cases of such blind youth as are eligible to attendance at the Minnesota Braille and sight-saving school, or the public school classes for the blind, but are not in attendance thereat, or are not receiving adequate instruction elsewhere and seek to secure such attendance by all practicable means.

Subdivision 4. **Vocational training.** The director of social welfare shall endeavor to secure for the adult blind of the state and youths of legal working age such vocational training, labor, and employment as may be adapted to their respective capacity, and shall so

far as may be feasible aid such persons in securing any provisions which may be made by the school for the blind or other state agencies for the betterment of their lot. When vocational training under the division of re-education is secured, such aid may take the form of payments for the maintenance of persons in training, under rules to be adopted by the director of social welfare.

Subdivision 5. **Aids.** The director of social welfare shall further be empowered to aid the blind: (1) By home instruction and training; (2) by assisting them in securing tools, appliances, and supplies; (3) by aid in marketing the products of their labors; (4) by care and relief for blind persons who are not capable of self-support; and, (5) in any other practicable means of alleviating their condition.

Subdivision 6. **Children's bureau activity.** The director of social welfare shall have authority to organize the aforesaid work as an activity of the children's bureau and it shall be legal for the county child welfare boards to cooperate in this work in the same manner as in other work conducted by the children's bureau.

PART VI

RELIEF OF THE POOR

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RELIEF OF THE POOR

A— General Provisions

(261.01) SUPPORT OF POOR; LIABILITY OF RELATIVES. Every poor person who for any reason is unable to earn a livelihood shall be supported by his children, parents, brothers, and sisters, grandchildren or grandparents; and relatives having sufficient ability shall be called on for such support in the order above named; provided, that a person who becomes a pauper from intemperance or other bad conduct shall not be entitled to support from any relative except parent or child. Every such relative who refuses or fails to support any poor person whom he is bound by law to support, when directed by the board or council of the county, town, city, or village in which such person has a settlement, shall forfeit and pay to such county, town, city, or village, for the use of the poor thereof, such amount as the court may determine, not exceeding $25.00 per month, to be recovered in any court having jurisdiction.

(261.02) FAILURE TO SUPPORT; RECOVERY FROM RELATIVE. When any relative chargeable with the support of any poor person fails or neglects, after being directed by any town, city, or village under the town system of poor relief, to furnish to such poor person support, maintenance, burial, and, in case of non-resident, expenses of removal from such town, city, or village furnishing the same may recover in any court of competent jurisdiction from such relation who is a resident of this state, any such sum so furnished by it, whether such poor person is a resident of such town, city, or village or not. In the event that the poor person shall have no relative chargeable therewith such town, city, or village so expending the same may, after like notice, recover from any town, city, or village within this state which is charged by law with the support of such poor person, any sum so expended.

(261.03) LIABILITY OF COUNTY, TOWN, CITY, OR VILLAGE. When any such poor person has none of the relatives named in section 261.01, or they are not of sufficient ability, or refuse or fail, to support him, he shall receive such support or relief as the case may require from the county, town, city, or village in which he has a settlement at the time of applying therefor, as hereinafter provided.

(261.04) LIABILITY OF ESTATE. Subdivision 1. **Support, maintenance, or burial.** When any person is furnished or provided with support, maintenance, care, or burial as a poor person by any county, city, town, village, or borough the municipality so furnishing such support, maintenance, care, or burial shall have a claim therefor against the person or his estate for the reasonable value thereof, which claim may be pre-

sented and prosecuted by such municipality at its option upon discovery of any property belonging to the poor person or to his estate.

Subdivision 2. **Claims filed in probate court.** Such claims, when against the estate of a deceased person, shall be filed in probate court and acted upon as in the case of other claims.

(261.05) POWERS OF GOVERNING BODY OF TOWN, CITY, OR VILLAGE. In addition to all other powers now or hereafter by law conferred upon the governing body of any town, city, or village, authority is hereby given to receive and accept for their town, city, or village real or personal property, encumbered or unencumbered, by gift, devise, conveyance, or otherwise from any person whose care, support, treatment, or maintenance, in whole or in part, under the laws relating to poor relief, is or may be chargeable to, furnished, or provided by, such town, city, or village and to hold or dispose of the same for the benefit of such town, city, or village, as provided by law in the case of other property belonging to such town, city, or village, and the payment and discharge of any lien or encumbrance upon any such property is authorized when such governing body determines that such payment is advisable and for the best interests of such town, city, or village.

(261.06) COUNTY AND TOWN SYSTEMS. The system of caring for the poor in counties in which they are chargeable upon the county shall be known as the county system. That system in which they are chargeable upon the towns, cities, and villages thereof shall be known as the town system. Every county shall continue under the system in force therein at the time when the revised laws take effect, until the same is changed as provided in this chapter.

(261.07) LEGAL SETTLEMENT OF PAUPERS. Every person except those hereinafter mentioned, who has resided two years continuously in any county, shall be deemed to have a settlement therein, if it has the county system; if it has the town system, he shall have a settlement in the town, city, or village therein in which he has longest resided within two years. Every person who has resided two years continuously in the state, but not in any one county, shall have a settlement in the county in which he has longest resided within such two years, if it has the county system; if it has the town system, his settlement shall be in the town, city, or village therein in which he has longest resided within two years. The time during which a person has received old age assistance or aid to dependent children, or has been the inmate of a hospital, old age home, or nursing home for the care of the invalid or aged, whether public or private, and the time during the pendency of any suit to determine his legal poor settlement, and the time during which

a person has been an inmate of a poorhouse, jail, prison, or other public institution, or under commitment to the guardianship of the director of social welfare or the director of public institutions, or one of the state institutions as a feebleminded, delinquent, or dependent person, and each month during which he has received relief from the poor fund or any county or municipality or from funds supplied by the state of Minnesota or the United States or any department or departments thereof, except a recipient of assistance under the aid to the blind act, supplied as direct relief or in providing work on a relief basis and in lieu of direct relief, shall be excluded in determining the time of residence hereunder, except that a ward of the state public school shall have the legal settlement of the family with whom he has resided for two or more years under a written contract with the state public school providing for his care, education, and treatment as a member of such family. Every minor not emancipated and settled in his own right and not under guardianship of the director of social welfare or the director of public institutions, or one of the state institutions as a feeble-minded, delinquent, or dependent person shall have the same settlement as the parent with whom he has resided. Every child born in a state institution shall have a settlement in the county in which the mother had a legal settlement at the time she was committed to such institution. Every minor not emancipated and settled in his own right and living apart from his parents and not supported by his parents shall, after receiving aid and support from others uninterruptedly for a period of two years, acquire the settlement of the person with whom he has resided for a period of not less than two years, provided that a married woman abandoned or deserted by her husband for a period of one year continuously shall thereafter have the same right to acquire a new settlement as a single person. The legal settlement of persons under commitment as insane, feebleminded, epileptic, inebriate or psychopathic personality, in so far as such persons are subject to the provisions of reciprocity agreements between the State of Minnesota and other states, shall be gained upon a residence of one-half of the time required for the gaining of legal settlement for poor relief purposes but shall otherwise be subject to the same conditions and exceptions.

A settlement in this state shall be terminated and lost by:

(1) Acquiring a new one in another state.

(2) By voluntary and uninterrupted absence from this state for a period of one year with intent to abandon his residence in the state of Minnesota.

(261.08) JUDGE OF DISTRICT COURT TO DETERMINE. When a dispute shall arise between political subdivisions within a county or between two or more counties or between a county and a political sub-

division of another county or political subdivisions of different counties as to the place of settlement of any poor person any such county or political subdivision may serve upon the other or others a notice that it will on a day certain, not less than five days after the service of such notice, apply to a judge of the district court of the district in which the county or political subdivision serving such notice lies for a determination of the settlement of such poor person. Such judge shall at the time fixed and without a jury hear the evidence adduced by the parties to such proceeding and forthwith make and file his order determining the place of settlement of such poor person.

(261.09) MAY PROVIDE FOR REMOVAL OF PAUPERS. The court in its order determining the settlement shall provide for the removal of the poor persons to their place of settlement as determined by the order; provided the court may, upon a proper showing by the political subdivision having the legal responsibility to support the poor persons, allow the political subdivision to care for the poor persons in another political subdivision, in which event the poor persons shall retain their legal settlement in the political subdivision found as determined by the order of the court until 30 days after it serves written notice upon the political subdivision where the poor persons are residing that it has ceased to support these persons and the political subdivision where the poor persons are residing shall have the right, upon ten days' written notice to the poor persons within the 30-day period, to remove them to the political subdivision as determined by the order of the court.

(261.10) COUNTY OF RESIDENCE OF POOR PERSON CHARGED WITH SUPPORT. The county or subdivision in which such poor person shall by such order be found to be his settlement shall thereafter be charged with his care and support.

(261.11) COSTS OF PROCEEDINGS. The prevailing party shall be allowed disbursements necessarily paid or incurred, to be taxed in the manner provided in civil actions.

(261.12) REMOVAL OF POOR PERSON; SETTLEMENT. When a poor person is removed, as provided in this chapter, from one county, town, city, or village to another and the authorities thereof deny that he is legally settled therein they shall make temporary provision for his care. If such removal was from one county to another county, or to any town, city, or village of another, the authorities may present the case to the director of social welfare; if the removal was from one town, city, or village to another within the same county, they may present the case to the county board. The director of social welfare shall determine the settlement of such person and certify his findings, and thereupon such

person shall become a charge upon the county, town, city, or village in which such settlement is found to be, which shall also pay the cost of caring for such person pending the investigation, and of removing him to the place of his settlement, together with the expenses of such investigation, including the fees and mileage of witnesses; and, in the case of the director of social welfare, the expenses of his agents. Such findings of the director of social welfare shall be without prejudice in any litigation arising by reason thereof.

(261.13) BRINGING POOR PERSON INTO STATE. Whoever without legal authority shall send, carry, or remove, or cause to be sent, carried, or removed, any insane, idiotic, or poor person from without the state to any county therein, and there leave him, or cause him to be left, with intent to make such county, or any town, city, or village thereof, chargeable with his support or relief, or who with like intent shall induce any such person so to remove, shall forfeit $50.00, to be recovered by the treasurer of such county, town, city, or village, for the support of the poor therein, and shall be guilty of a misdemeanor.

(261.14) CHANGE OF SYSTEM. When the county board shall so determine, or if one-fourth of the voters of the county shall petition therefor, the question of changing from the system in force therein to either the town or county system shall be submitted to the voters of the county at the next general election. The notices of such election shall state that the question will be voted upon, and provisions for taking such vote shall be made upon the blue ballots furnished therefor, as in the case of other questions. If a majority of the votes cast thereon be in the affirmative, the change shall take effect upon the first Monday of January next thereafter.

(261.15) DEFINITIONS. As used in sections 261.15 to 261.20, unless the subject-matter or context requires otherwise:

(1) The term "political subdivision" includes any subdivision of the state or any municipal corporation or public quasi-corporation, however organized.

(2) The words "support or relief of the poor" shall have the same meaning as the words are given by Mason's Minnesota Statutes of 1927, Chapter 15, and the words "poor persons" shall mean such persons for whom a legal liability is imposed under that chapter.

(3) The term "work relief" means support or relief in wages or other compensation, in cash or in kind, paid for work under the following conditions: (a) That the recipients of work relief and the amounts given are both determined on the basis of actual need and certified for such work relief by the officials charged with administering

the relief of the poor; (b) that the funds for such relief are made available only from those specifically appropriated or contributed for support or relief of the poor; (c) that the funds are used to finance projects for which the political subdivision can legally incur expense and which could not otherwise be undertaken at the time or in the immediate future.

(4) The words "direct relief" mean relief to individuals or families incidental to the care of the poor, such as food, clothing, shelter, medical care, and supplies, and other necessities of life; provided that nothing in sections 261.15 to 261.20 shall be interpreted as enlarging the responsibility for relief as now imposed by the laws of Minnesota.

(261.16) MUNICIPALITIES MAY BORROW FUNDS FOR POOR RELIEF. Each political subdivision of the state charged by law with responsibility for the support or relief of poor persons having a legal settlement therein is hereby granted authority to borrow funds and pledge the credit of such political subdivision to meet the expense thereof and to make such loans either from the state of Minnesota, the federal government, or from private sources when necessary for the support or relief of the persons; provided that sections 261.15 to 261.20 shall not be construed as increasing the limit of debt, if any, prescribed by the special law or home rule charter or general law under which any political subdivision is organized.

(261.17) BONDS MAY BE ISSUED. Bonds or other evidence of indebtedness may be issued pursuant to the authority granted and for the purposes specified herein by following the regular statutory or charter procedure applicable to such political subdivision; provided, however, that any political subdivision now required by statute or by charter to submit the question of the issuance of bonds or other evidences of indebtedness to a referendum vote, is hereby authorized to issue and sell such public welfare bonds or other evidence of indebtedness without submitting the question of such issue to a referendum vote, by following the procedure hereinafter outlined.

Before any such bonds or other evidence of indebtedness may be issued hereunder by a political subdivision which is restricted by statute or by charter provision from issuing bonds and pledging the credit thereof without submitting the proposal to make such issue to a referendum vote of the electors of such political subdivision, a resolution shall first be adopted by a two-thirds vote of all the members of the official body or bodies authorized to make loans within the political subdivision, declaring an emergency to exist making it necessary to borrow in the specified amount without submitting the question of issuance of bonds or other evidence of indebtedness to a vote of the electors of the political

subdivision. The action of the governing body shall be by resolution, irrespective of any requirement of any home rule charter, general or special law requiring such action to be by ordinance. This resolution shall then be submitted to the governor of the state, together with all facts deemed necessary to support such emergency action, including the general financial condition of the political subdivision, the need for the funds, and funds which may be available, public or private, and such other information as may be required. If after investigation the governor finds that the amounts requested are within the reasonable needs of the political subdivision and that no other funds are available to meet the same or that it is not possible or practicable, in view of the other governmental needs of the political subdivision to secure the necessary funds from other sources or by regular methods of borrowing, he shall certify that an emergency exists sufficient to warrant the issuance of such bonds or other evidence of indebtedness subject to the requested exemption. The governor may reduce but shall not increase the amount requested in such resolution. Upon such certification, the governing body or bodies may then proceed to issue and sell such bonds or other evidence of indebtedness pursuant to the resolution aforesaid and in the manner prescribed by section 475.15 and they shall be valid legal obligations of the political subdivision without the referendum vote of the electors.

(261.18) TO BE EXPENDED FOR POOR RELIEF ONLY. All moneys so borrowed shall be expended only for the support or relief of the poor through direct relief, work relief, placement service, or other service contributing to the support or relief of the poor, including the expense of administration and supervision.

(261.19) SERIAL BONDS MAY BE ISSUED; TAX LEVY. Upon authorization and approval of the issuance of bonds as provided in sections 261.15 to 261.20, the governing body or other proper bodies of any such political subdivision may proceed to issue and sell its bonds or other evidence of indebtedness covering such loans in the manner prescribed by section 475.15. Such bonds or evidences of indebtedness shall be issued to mature serially, the first instalment of which shall become due in not more than three years and the last of which shall become due and payable in not more than ten years from the date of their issue.

The bonds or other evidence of indebtedness issued pursuant to sections 261.15 to 261.20 shall be subject to the provisions of such laws of the state as govern the particular political subdivision in making such loans, in regard to the levy of a tax for interest and principal and for the payment thereof. No provision of any act passed during the 1933 session of the legislature limiting the tax which may be levied for poor relief purposes shall in any way limit the tax to be levied for the payment

of the principal or interest of bonds issued pursuant to the provisions of sections 261.15 to 261.20.

(261.20) ACTS SUSPENDED. All laws or parts of laws inconsistent with sections 261.15 to 261.20 are hereby suspended during the operation of those sections; provided, that this action shall not be construed as repealing or suspending any other law authorizing municipalities coming within the provisions of sections 261.15 to 261.20 to issue bonds for poor relief purposes.

(261.201) MUNICIPALITIES TO COOPERATE WITH FEDERAL GOVERNMENT IN DISPOSITION OF COMMODITY STAMPS. Any county, county welfare board, city, town, village, borough or other subdivision of the state of Minnesota, or any public relief or social welfare agency or representative of any one of them may, in the furtherance of any federal commodity or commodity stamp plan or program, assist, actively cooperate with, and act as agent of the federal, state, or local governments or any agency of any one of them.

(261.202) MUNICIPALITIES TO ACQUIRE AND DISTRIBUTE STAMPS. Subdivision 1. **Authority.** Any county, county welfare board, city, town, village, borough, or other subdivision of the state of Minnesota, or any agency of any one of them, authorized to expend public moneys for the direct relief of the poor is hereby empowered to acquire and distribute to its poor, federal commodities and commodity stamps in lieu of other relief for the same needs, to transfer or deposit therefor cash in advance and to defray administrative expenses incurred in such acquisition and distribution including bond and insurance premiums from moneys available for direct relief and social welfare purposes.

Subdivision 2. **Board of public welfare; commodity stamp fund.** In any county operating under the township system of caring for the poor, and containing a city of the first class operating under a home rule charter, wherein there is established in such city a board of public welfare for the administration of poor relief in such city, such board of public welfare shall be the exclusive agency to acquire and dispose of such federal commodities and commodity stamps in such city. Such city of the first class is hereby empowered to create and establish a commodity stamp fund. Moneys for the fund shall be made available from the poor fund of such city and by contributions from federal and state funds, if any, made available for direct relief purposes. This commodity stamp fund shall not exceed the sum of $150,000. In such counties the township system of caring for the poor shall be continued, and the towns, villages, and cities of the third and fourth classes therein desiring to participate in these federal commodities and commodity stamp plans, are hereby empowered to contract with each other and with the federal

government or any agency thereof to create and establish a central representative agency to be designated as the suburban agency. This suburban agency shall be empowered to acquire and dispose of federal commodities and commodity stamps in the manner provided in this subdivision and in section 261.203, and to perform all other acts, obligations, and duties undertaken by the terms of any agreement authorized in this section. The participating towns and municipalities are hereby empowered to create and establish a commodity stamp fund, and to establish a fund to defray administration expenses of the suburban agency, and to transfer these funds to the exclusive custody of the agency. Cost of administration and other expenses of the agency, including bond and insurance premiums, shall be paid on a pro rata basis. Moneys for the commodity stamp fund established by such participating towns and municipalities shall be made available by contributions from their respective poor funds, and from contributions from federal and state funds, if any, made available for direct relief purposes. This stamp fund shall not exceed the sum of $30,000. The suburban agency shall quarterly give a full and complete accounting and report to the participating towns and municipalities in the manner and form as prescribed by the public examiner and approved by the attorney general. Both the commodity stamp fund of the city of the first class and the commodity stamp fund for the suburban agency shall consist of the original moneys transferred to it, the stamps acquired and the proceeds of disposition. Such commodity stamp funds shall remain inviolate during the operation of the stamp plan program, and no part thereof shall be used to defray administration or any other expenses. The board of public welfare and the suburban agency, or their respective designees, may act as stamp issuing officer and shall have the power to do all other acts necessary to the proper administration of their respective stamp funds. In such counties neither the board of county commissioners nor the county welfare board shall levy, contribute, or expend any moneys in the furtherance of any stamp plan program, however operating in the county. In such counties the provisions contained in section 261.204, subdivisions 1, 2, 4, 5, and 6, shall not apply.

(261.203) COUNTY WELFARE BOARDS TO DISTRIBUTE STAMPS. Any county welfare board within the state, any city of the first class, and any suburban agency referred to in section 261.202, subdivision 2, is hereby authorized to acquire federal commodity stamps by means of the commodity stamp fund hereinafter established, to dispose of them to persons and governmental subdivisions qualified to acquire them under state and federal law and regulations and to receive cash and deposits therefor in advance. No commodity stamps so acquired may be disposed of except upon the receipt of cash upon delivery or cash transferred or deposited in advance in accordance with section

261.202. Any contribution to the principal of the commodity stamp fund by a governmental subdivision of the state of Minnesota as authorized by sections 261.201 to 261.208 shall not constitute a transfer or deposit.

(261.204) COMMODITY STAMP FUND. Subdivision 1. **Authority.** Any county within the state, regardless of the system under which provision is made for the relief and support of its poor, and any city of the first class, is hereby authorized to create and establish a commodity stamp fund, hereinafter referred to as the fund, for the acquisition under section 261.203 of federal commodity stamps, which fund shall not exceed the minimum necessary to qualify under federal rules, regulations and law and in no event shall exceed $150,000 for cities of the first class and $150,000 for counties in which they are located, and in all other counties $50,000. The fund shall consist of the original moneys transferred to it, the stamps acquired and the proceeds of disposition. It shall always remain inviolate.

Subdivision 2. **Moneys, how made available.** Moneys may, in addition to such other methods as may exist, be made available for the fund in any one or more of the following ways:

(1) By the same method as moneys are made available for defraying expenses of the county welfare board under sections 393.01 to 393.09 or as such sections may be supplemented;

(2) By contribution from the federal, state, or governmental subdivisions thereof of moneys available for direct relief or social welfare purposes;

(3) By borrowing and transferring to the fund. In counties operating under the county system of poor relief, borrowing shall be in the manner provided by law for direct relief or social welfare purposes or both. In counties operating under the township system of poor relief in the manner provided in sections 475.03, 475.04, and 475.23 to 475.32; for the purpose of computing statutory debt limits, the money borrowed under the authority of this subdivision for the purpose of contribution to the fund shall not be considered to constitute indebtedness, bonded or otherwise.

Subdivision 3. **Moneys, when transferred to fund.** No moneys shall be transferred to the fund until after all bonds have been posted and insurance acquired.

Subdivision 4. **Stamp issuing officer.** The county welfare board, its executive secretary or other designee may act as stamp issuing officer and shall have power to do all other acts necessary to the proper administration of the fund.

Subdivision 5. **Expenses.** Expenses incident to the creation and administration of the fund, including bond and insurance premiums, may be defrayed in the same manner as other expenses of the county welfare board under sections 393.01 to 393.09, or as such sections may be supplemented.

Subdivision 6. **Accounting.** Accounting shall be as follows:

(1) With respect to the fund, by such method or methods as the public examiner, by regulations duly approved as to legality by the attorney general, may direct; semiannually, or at such other times as the board of county commissioners may designate, the county welfare board shall give an accounting and report to the county auditor;

(2) With respect to any transfer or deposit made in advance by a governmental subdivision of the state of Minnesota to any county welfare board or its stamp issuing officer, by accounts and reports to the transferring or depositing subdivision made monthly or at such times and in such manner as the public examiner, by regulations duly approved as to legality by the attorney general, may direct. The duly approved regulations of the public examiner under this subdivision shall be sent to all county welfare boards within the state.

Subdivision 7. **Funds remaining at termination of plan.** At the termination of any plan all commodity stamps shall be disposed of and the fund in cash shall be returned to the contributors thereto.

(261.205) MAY BORROW MONEY. The governmental subdivisions named in section 261.202 may, for the purposes of that section, borrow money in the manner provided by law for direct relief or social welfare purposes or both.

(261.206) MUNICIPALITIES MAY CONTRIBUTE TO FUND. Any governmental subdivision of the state authorized to expend public moneys for the direct relief of its poor is hereby empowered to contribute to the fund and, for such purpose, may borrow money in the manner provided by law for direct relief or social welfare purposes or both.

(261.207) BONDS. Any person into whose care and custody there comes any cash, stamps, or other property used in any federal commodity or commodity stamp plan or program shall post a bond running to the State of Minnesota approved by and in such sum as the board of county commissioners or other governing body of the responsible governmental subdivision or authorized representative agency shall deem adequate protection for all stamps, cash, and property in such person's care and custody. All stamps, cash, and property in the possession of any governmental subdivision of the state or any agency thereof shall be insured

against loss or deposited with a depository of public funds in the manner provided by law.

(261.208) CONSTRUCTION OF SECTIONS 261.201 to 261.208. Sections 261.201 to 261.208 shall be construed so as to further their purpose, which is to enable governmental subdivisions of the state of Minnesota to participate in federal commodity and commodity stamp plans and programs.

(261.21) COUNTY BOARD TO PROVIDE HOSPITALIZATION FOR INDIGENT PERSONS. The county board of any county in this state is hereby authorized to provide for the hospitalization in hospitals within the county or elsewhere within the state of indigent residents of such county who are afflicted with a malady, injury, deformity, or ailment of a nature which can probably be remedied by hospitalization and who are unable financially to secure and pay for such hospitalization or, in the case of a minor, whose parent, guardian, trustee, or other person having lawful custody of his person, as the case may be, is unable to secure or provide such hospitalization.

(261.22) APPLICATION TO BE FILED. Subdivision 1. **Duties of officials.** When the existence of a case described in section 261.21 shall come to the notice of the sheriff, town clerk, health officer, public health nurse, peace officer, public official, or physician or surgeon it shall be his duty to, and any other person may, file with the auditor of the county of the residence of such indigent person requiring care an application for the hospitalization of such indigent person. Such application shall be made in such form as the county board of such county may prescribe, and shall contain the name, age, residence, and physical condition of the person sought to be hospitalized and shall contain also a full statement of his financial situation and of the persons, if any, legally charged with his care and support and such application shall be verified. The county board shall make a careful investigation of the matter in such manner as it shall deem advisable and expedient and it shall be the duty of any public official of any county, city, village, or town of the residence of the person sought to be hospitalized to supply the county board on a request therefor all the information within his knowledge relative to the financial condition of the person sought to be hospitalized and of all persons, if any there be, who are legally liable for the support of such person. If after such investigation the county board shall be satisfied that the person on whose behalf the application is made is not financially able to provide himself with such hospitalization or in case of a minor, his parents, guardians, trustee, or other person having legal custody over him or legally responsible for his support and maintenance is not financially able to provide such

hospitalization, then said county board shall direct the county physician or some other physician to make an examination of the person on whose behalf such application was made. Such physician shall make and file with the county board a verified report in writing setting forth the nature and history of the case and such other information as will likely aid in the medical and surgical treatment of the disease, malady, injury, deformity, or ailment affecting such person, and shall state in such report his opinion whether or not the condition of such person can probably be remedied at a hospital. Such report shall be made in duplicate, one copy of which shall be filed with the county auditor and the other shall be transmitted to the hospital at which such afflicted person is hospitalized; such report shall also give any information the examining physician shall have or acquire relative to the financial ability of the afflicted person to pay for the hospitalization and treatment of his disease, malady, injury, deformity, or ailment, together with any other information such physician may deem helpful to the county board or the physician attending him.

Subdivision 2. **Duties of county board.** If upon filing of such report and a full investigation of the application the county board shall be satisfied that the case is one which could be remedied by hospital treatment and that such afflicted person is financially unable to secure or provide the same for himself and that the persons legally charged with the support and maintenance of such person, if any there be, are financially unable to provide such hospitalization, the county board may grant or approve said application. If the county board is not so satisfied, it may take additional testimony or make such further investigation as it shall deem proper and it shall reject any application if it finds that the facts do not merit the expenditure of public money for the relief of such afflicted person. Upon the approving and granting such application and the relief therein prayed for, the chairman of such county board shall arrange for the hospitalization of such afflicted person. If the county board shall find that the applicant or the person legally responsible for his support and maintenance is not able to pay in full but is able to pay in part for such hospitalization at such hospital, the county board may approve such application of such afflicted person on such terms of division of hospital charges and costs as it may deem equitable and just. The county board shall provide for taking such afflicted person to the hospital. When a physician certifies that an emergency exists in any case and that he believes that the person suffering is unable to pay for hospitalization such person shall be admitted to any such hospital upon the order of the chairman of the county board or upon the order of the county commissioner of the district in which such alleged indigent person resides; and thereafter an investigation shall be made in the manner hereinbefore provided. When a physician certifies in a case of

an injury (or an emergency) that immediate surgical or medical treatment is necessary, the patient shall forthwith be admitted to any such hospital upon said certificate for a period not to exceed 72 hours; and thereafter an investigation shall be certified and made in the manner provided in sections 261.21 to 261.23.

(261.23) COSTS OF HOSPITALIZATION. The costs of hospitalization of such indigent persons exclusive of medical and surgical care and treatment shall not exceed in amount the full rates fixed and charged by the Minnesota general hospital under the provisions of sections 158.01 to 158.11 for the hospitalization of such indigent patients. The cost of the hospitalization of indigent persons under the provisions of sections 261.21 to 261.23 shall be paid by the county of the residence of such indigent persons at such times as may be provided for in such contract; and in case of an injury or emergency requiring immediate surgical or medical treatment, for a period not to exceed 72 hours, the cost shall be paid by the county from which such patient, if indigent, is certified. If the county of residence of the patient is not the county in which the patient has legal settlement for the purposes of poor relief, then the county of residence may seek reimbursement from the county in which the patient has settlement for the purposes of poor relief for all costs it has necessarily incurred and paid in connection with the hospitalization of said patient.

(261.231) COUNTY BOARD MAY DELEGATE CERTAIN POWERS. The county board of any county in this state is hereby authorized to delegate to the county welfare board of such county all the rights, powers, and duties conferred upon it by Laws 1941, Chapter 473, with reference to the hospitalization of indigent persons.

B— County System of Poor Relief

(262.01) COUNTY BOARD SUPERVISORS OF THE POOR; OVERSEER OF POOR MAY GRANT RELIEF; COUNTY POOR RELIEF AGENT; POORHOUSES. In counties having the county system, the members of the county board shall be supervisors of the poor; provided, that in counties where the board has employed and appointed an overseer of poor, the county board may by resolution confer full authority for granting temporary relief to the poor on the overseer of the poor or such other person as may be appointed by them, and in such cases the overseer or such other person so appointed shall be the only authorized agent of the county to incur expenses for relief of the poor. In case a person other than the overseer of the poor is appointed for the purpose, he shall be designated as the county poor relief agent and shall hold his office during the pleasure of the county board and

his compensation shall be fixed by the board annually. The board may establish and maintain a poorhouse for the reception and support of poor persons chargeable on the county, and also, if it shall deem best, a poor farm or workhouse, or both, for the employment of the poor therein. If, in the opinion of the board the number of poor persons does not warrant the purchase or lease of a poorhouse, it may provide for their support in any other way which it may deem proper. The expense of providing the necessary land and buildings shall be defrayed by a special tax, to be assessed, levied, and collected like other county taxes.

(262.02) LIMITATIONS APPLYING TO MEMBERS OF BOARD. No member of the county board shall be directly or indirectly interested in furnishing supplies for the benefit of poor persons, or in the erection or maintenance of any poorhouse or other place provided for the reception of the poor, and no such member shall be a physician for, or overseer of, the poor. Every person violating this section shall be guilty of a misdemeanor.

(262.03) OVERSEER OF POOR MAY BE APPOINTED IN CERTAIN COUNTIES. When a poorhouse is established the county board shall appoint, for the term of one year and may at pleasure remove, an overseer of the poor, who shall hold office until his successor qualifies, and whose compensation shall be fixed by the board annually. In a county where no poorhouse is established, the county board may appoint, for the term of one year and may at its pleasure remove, an overseer of the poor, who shall hold office until his successor qualifies, and his compensation shall be fixed by the board annually. Before entering upon his office, the overseer, in either case, shall give bond to the county in such sum as the county board may direct, to be approved by it, and conditioned for the faithful performance of his duties; and the county board may require an additional bond when the bond is deemed insufficient.

(262.04) POWERS AND DUTIES OF OVERSEER. The overseer of the poor shall have immediate charge and control of all poor persons supported by the county and of the poorhouse and other places provided for their reception or employment, subject to the supervision of the county board, or a committee thereof appointed for that purpose. He shall keep a record of the name, age, residence, condition, date of reception, and discharge of each of the persons received under his charge, and of all deaths and births occurring. He shall keep an account of all moneys and property received and disbursed by him, and shall render and settle the same at least once each year at such time as the county board may appoint; and at the expiration of his term of office, and at other times when required, he shall make a report showing the

number, names, ages, and condition of all persons who are or have been under his charge during the time covered thereby, the length of time each person has received support, the amounts received in money or otherwise from the produce of the farm or workhouse and from the labor of the inmates, and such other facts and information as the county board may require.

(262.05) COMMITMENT TO POORHOUSE BY COUNTY BOARD. The overseer shall receive poor persons and furnish them with suitable support at the place provided for that purpose upon order of the county board. The county board may discharge any such person when satisfied that he is not legally chargeable upon the county. When any inmate shall have left, or been discharged, from the poorhouse the overseer shall report the fact in writing to the county board at its next meeting.

(262.06) COMMITMENT BY MEMBER. When application for relief or support is made to a member of the county board, by or for any poor person in his district, if satisfied that he is in actual need, is a proper subject for public relief or support, and is legally settled in the county, or has no legal settlement in the state, he shall make and sign an order directing the overseer to receive such person, and to furnish him with suitable support. Such order shall contain or be accompanied by a statement of such person's name, age, condition, former occupation, place of residence, and length of residence in the county. Upon delivery to him of such order, the overseer shall receive such person, and provide him with support until the further order of the county board. The member making such order shall report the facts in writing to the county board at its next session.

(262.07) TEMPORARY RELIEF. If upon inquiry such member of the county board be of the opinion that only temporary and limited assistance will be required by such person, or any member of his family, and that it will be for the best interest of the county to grant the same, instead of making the order aforesaid, he may allow such person or any member of a family relief to the amount that he may deem expedient, subject to the following conditions:

(1) No money shall be paid to any poor person under this section except that when transportation is furnished, a small sum may be given to such person to buy food.

(2) Relief shall not be granted to any one person or any one member of a family in a sum exceeding $35.00 in one calendar year, except that in cases extended relief is asked before July 1st and approved by the commissioner, the county board may, by resolution, auth-

orize him to increase the relief to the amount of $75.00; and, by resolution unanimously adopted, authorize him to increase the relief to the amount of $200.00, or so much thereof as may be necessary.

When relief is given under this section, an itemized and verified bill of goods furnished or services rendered, accompanied by an acknowledgment of the same from the person receiving them, must be presented to such member. Upon his approval thereof, he shall direct the county auditor in writing to issue his warrant for the amount specified to be paid out of the fund for the support and relief of the poor. A blank form for such bill, acknowledgment, approval, and order shall be provided by the county auditor and used in all such cases.

(262.08) RELIEF AGENT MAY BE EMPLOYED IN CERTAIN COUNTIES. In any county having the county system and having within its limits any city of the third class, the county board may employ a relief agent to assist any member of the board whose district is composed solely of a city of the third class, in the performance of the duties of such board member, prescribed by sections 262.06 and 262.07.

(262.09) DUTIES; REPORTS; TERM. In the performance of such duties any relief agent so employed shall receive such compensation as shall be fixed from time to time by the county board. He shall act under the general supervision and direction of the member of whose district he shall be assigned by the county board, subject to such regulations and orders as it shall adopt. He shall make his report in writing to the member whom he is employed to assist.

The term of employment of the relief agent authorized by section 262.08 shall be fixed by the county board.

(262.10) CONVEYANCE OF POOR PERSONS. When an order is made directing an overseer to receive any poor person who is unable to travel without conveyance at public expense the county board, or member thereof making the same, may in writing direct the sheriff or any nearby constable to convey him to the place provided; and such officer shall receive from the county reasonable compensation therefor.

(262.11) SETTLEMENT IN ANOTHER COUNTY. When application for support or relief is made by a person whose settlement is in another county, or in a town, city, or village of another county, the county board applied to, or its chairman, shall warn him to depart from its county; and, if he is unable or refuses to do so within a reasonable time, and is likely to become a public charge, the chairman may issue an order, under his hand and the seal of the county board, to the sheriff or any constable of the county, requiring him to convey such person to the place of his settlement. If he be so sick, infirm, or otherwise

disabled as to render it unsafe or inhuman to remove him, and is in immediate need of support or relief, provision therefor shall be made in the manner prescribed in sections 262.06, 262.07, and 262.10. All proper expenses incurred by such county in making such removal or in furnishing such support or relief shall be paid by it and be a legal claim in its favor against the county, town, city, or village in which such person has a settlement.

(262.12) COUNTY BOARD TO APPOINT PHYSICIAN. The county board shall appoint one or more practicing physicians to be physicians of the poor who shall hold office during the pleasure of the county board and receive such compensation as it may from time to time determine. If more than one be appointed, the order of appointment shall prescribe the district in which each shall act, and none shall be required to act outside of his district except in case of urgency. When directed by a member of the county board or by the overseer such physician shall attend upon and prescribe for any sick poor person in charge of the overseer, and on written direction of a member of the county board shall attend upon and prescribe for any sick person who is entitled to receive support or relief from the county. If immediate treatment of any person who has been declared a county charge be required, any licensed physician who may prescribe for or treat him before the arrival of the county physician shall be paid therefor. He shall at once notify the county physician, who shall thereupon take charge of the case. Within 30 days thereafter he shall file with the county auditor a verified report showing the name and residence of the patient, the day and hour when called, the distance traveled in going to such place, the nature of the disease or injury, the service performed, the time when the county physician was notified and took charge, and the amount claimed as compensation. The county auditor shall present such report at the next meeting of the county board, which shall allow reasonable compensation.

(262.13) MINORS, HOW PROVIDED FOR. When a minor becomes chargeable upon any county the county board shall secure his admission to the state public school or provide a home for him with some respectable householder, if one can be found who will take him.

(262.14) BURIAL AT EXPENSE OF COUNTY. When a person dies in any county, not leaving sufficient means to defray the necessary expenses of his burial, nor any relatives therein of sufficient ability to procure his burial, the county board shall cause a decent burial of his remains to be made at the expense of the county.

(262.15) TAX FOR SUPPORT OF POOR. The county board shall levy a tax annually sufficient to defray the estimated expenses of supporting

and relieving the poor therein during the succeeding year, and to make up any deficiency in the fund raised for that purpose during the preceding year.

C— Town System of Poor Relief

(263.01) TOWN BOARDS AND COUNCILS TO BE SUPERINTENDENTS; RELIEF. In counties having the town system, the town boards and city and village councils shall be superintendents of the poor. All applications for aid shall be made to such boards or councils, which shall grant such relief as they deem necessary, by paying for the board and care of the applicants, providing transportation to their homes, paying rent, furnishing provisions, clothing, fuel, and medical attendance, and burying the dead. They shall pay no cash to any poor person and allow no bill for goods furnished or services rendered to him, unless a member of such board or council shall certify in writing that the account is correct and just; that the goods or services were necessary for his relief, were actually delivered or rendered, and were of good quality; and that the prices charged are reasonable. Every such bill shall specify the name of the person for whom the goods or services were furnished or rendered and the amount charged for each person.

(263.02) LIMITATIONS APPLYING TO MEMBERS OF BOARD. No member of any town board or council shall be directly or indirectly interested in furnishing supplies for the benefit of poor persons or the erection or maintenance of any poorhouse or other place provided for the reception of the poor, and no such member shall be a physician for, or overseer of, the poor. Every person violating this section shall be guilty of a misdemeanor.

(263.03) POWERS AND DUTIES OF BOARD. Each board and council shall have the following powers and duties:

(1) It may appoint a practicing physician to be physician of the poor, who shall hold office during its pleasure, and receive such compensation as it may from time to time determine. When directed by a member of the board or council, such physician shall attend upon and prescribe for any sick poor person entitled to support or relief from the town, city, or village;

(2) When any person not having a legal settlement therein shall be taken sick, lame, or otherwise disabled, or for any other cause shall be in need of relief as a poor person and make application for relief to any such board or council of such municipality, its chairman, mayor, or president shall warn him to depart; and if he is unable or refuses to do so within a reasonable time and is likely to become a public charge,

such chairman, mayor, or president may in writing require any constable or marshal of the town, city, or village to convey him to the place of his settlement, if he have a settlement in this state. If such person is so sick or infirm as to render it unsafe or inhuman to remove him and is in need of immediate support or relief, the board or council shall provide such assistance as it deems necessary and, if he dies, give him decent burial. The expense so incurred shall be paid by the town, city, or village, and shall thereupon become a charge against the county. Upon payment thereof, the county may recover the same from the county, town, city, or village of such person's settlement, if he have any within this state. Within five days after such person becomes a public charge, the board or council shall notify the county auditor, and thereupon the county board may take him in charge, or relieve him in such manner as it may seem fit;

(3) When any minor becomes a chargeable upon any town, city, or village for support, the board or council, or a member thereof, shall apply to the county board to secure his admission to the state public school, or secure him a home with some respectable householder, if one can be found who will take him;

(4) No poor person removed or departing from any political subdivision to the political subdivision wherein he has a legal poor settlement, as provided for in clause (2) hereof, shall return or be returned to the political subdivision from which he has been removed or departed for a period of at least 90 days after such removal or departure. Any person who shall voluntarily return and applies for support or relief within the 90-day period, and any official of any county, city, or town who shall remove any poor person in violation of the order of any court of this state determining the poor person's settlement shall be guilty of a misdemeanor.

(263.04) POORHOUSE. The county board of any county having the town system may establish, maintain, and govern a county poorhouse in the same manner as in other counties. The cost thereof shall be paid by the county; but at its July meeting in each year the county board shall fix a weekly rate for each inmate, to be paid to the county by the town, city, or village from which he comes. The chairman of the town board or the president of the council may sign commitments to such poorhouse and designate some officer of his municipality to convey any poor person thereto; the expense thereof to be paid from the town, city, or village poor fund. The overseer of such poorhouse may discharge any inmate who in his judgment is capable of self-support or who is ordered discharged by the officer by whom he was committed; and when necessary he may furnish transportation to a discharged inmate at the expense of the county to the place from which he came.

(263.05) TAXES, HOW LEVIED. In counties having the town system, the voters of each town, at their annual meeting, and the council of each city and village, annually, shall levy upon the property taxable therein a tax in such amount as shall seem necessary for the support and relief of the poor. Such tax shall not be less than one mill upon each dollar of the assessed valuation, unless there be in the poor fund at least $50.00 above the amount of orders outstanding. The clerk shall certify to the county auditor such levy, or the fact that no tax is necessary. If a tax be levied, the county auditor shall calculate the rate, and extend the same; and, if no certificate be made, he shall levy and extend a tax of one mill on the dollar upon the property taxable in the town, city, or village in default. The proceeds of each tax shall be paid to the treasurers of the towns, cities, and villages.

(263.06) ALLOWANCE TO TOWNS ON CHANGE FROM COUNTY SYSTEM. The county board of any county which has changed from the county system to the town system may appropriate out of the poor fund such sum as it may deem advisable to reimburse any town, city, or village in its county for money expended or indebtedness incurred for the care of the poor therein, if it shall have expended or incurred an indebtedness of not less than $300.00 for that purpose within the year preceding its application for such allowance.

(263.07) COUNTY SYSTEM CHANGED TO TOWN SYSTEM. Subdivision 1. **80 per cent of tax paid to towns, villages, and cities.** When the system for relief of the poor in any county is changed from the county system to the town system and there has been levied or assessed for the year in which such change occurs a tax for the poor fund of such county under such county system, 80 per cent of the moneys received by such county for such tax shall be paid over to the treasurers of the various towns, villages, and cities of the county in the manner hereinafter provided.

Subdivision 2. **Auditor, duties as to taxes, warrants.** On the 20th day of March, June, and November in such year, the auditor of the county shall compute the amount of taxes collected for such poor fund from the taxpayers of each town, village, or city in the county and which then remains in the treasury of such county and draw his warrant in favor of the treasurer of each of such towns, villages, and cities for 80 per cent of the amount received from such town, village, or city, and the same shall be forthwith paid by the treasurer of the county.

Subdivision 3. **Moneys to become poor fund.** The moneys so paid to the treasurers of such towns, villages, and cities shall constitute the poor fund for such towns, villages, and cities for the year in which

the change is made.

(263.08) TRANSFER OF SURPLUS IN COUNTY POOR FUND, WHEN. When the system for relief of the poor in any county is changed from the county system to the town system and there remains in the county poor fund a surplus which has been levied or assessed as a tax for the poor fund of the county under such county system for the years prior to the year in which such change occurred and which then remains in the treasury of the county, the auditor of the county shall compute the amount of taxes collected for such poor fund from the taxpayers of each town, village, or city in the county and draw a warrant for the pro rata amount received from such town, village, or city, and the same shall be forthwith paid by the treasurer of the county to the treasurers of the respective towns, villages, or cities of the county.

The money so paid to the treasurers of such towns, villages, or cities shall become a part of the poor fund of such town, village, or city and used for no other purpose.

(263.09) COUNTIES TO PAY PORTION OF POOR EXPENSES UNDER TOWN SYSTEM. In all counties in this state wherein the poor are cared for under the town system, if the expense incurred by any town, village, or city of the third or fourth class, however organized, for the care of the poor therein in any calendar year exceeds an amount in excess of one mill on the taxable value of property in such town, village, or city of the third or fourth class for that year, then and in that event the chairman of such town board and the clerk thereof or president of the village council and recorder or the mayor of such city of the third or fourth class and the clerk thereof, as the case may be, shall certify to the county auditor a statement showing when, for what purpose, the amount, and to whom, expense was incurred by such town, village, or city of the third or fourth class in the care of each named pauper. The county auditor shall lay such statement before the county board at its meeting next following the receipt thereof. Of such annual expense 75 per cent of the amount in excess of one mill on the taxable value of property in such town, village, or city of the third or fourth class shall be a claim against the county; and, if such statement is deemed by the county board to be correct, the same, to the extent herein prescribed, shall be allowed and paid by the county to the treasurer of such town, village, or city of the third or fourth class who shall credit the sum so paid to the poor fund of the town, village, or city of the third or fourth class.

Note: In the case of Village of Robbinsdale vs. County of Hennepin, 199 Minn. 203; 271 NW 491, this section was held unconstitutional because it violated the uniform clause contained in Article 9, Section 1 of the Minnesota Constitution. However, the Attorney General in an opinion dated July 29, 1937, holds that sections 263.10, 263.11, 263.12, which follow have remedied the invalid

application of this section with respects to counties covered by it.

(263.10) LIABILITY OF COUNTIES FOR CARE OF POOR BY TOWNS; TAX LEVY. Subdivision 1. **Limitation.** In all counties of this state wherein the poor are cared for under the town system, if the expense incurred by any town, village, or city, however organized, for the care of the poor therein in any calendar year exceeds an amount in excess of one mill of the taxable value of property in such town, village, or city for that year, the county in which the town, village, or city is situated, shall be liable for 75 per cent of the amount in excess of such one mill on the taxable value of property in such town, city, or village.

Subdivision 2. **Estimate.** The county board, at its first meeting in January each year, shall estimate the amount which it deems necessary for such purpose and include in the tax levy a sufficient amount of taxes to pay the expense of such poor relief and same shall be extended against all property within the county.

(263.11) MUNICIPAL AUTHORITIES TO CERTIFY LEVIES. In all towns, cities, and villages in counties wherein the poor are cared for under the town system, the chairman and clerk of the town, in case of towns, or the president and clerk of the village council, in case of villages, or the mayor and clerk of the city, in case of cities, as the case may be, shall certify to the county auditor a statement showing when, for what purpose, the amount, and to whom, expense was incurred by such town, village, or city in the care of each named poor person. The county auditor shall lay such statement before the county board at its meeting next following the receipt thereof. If this statement is deemed by the county board to be correct, the amount so certified shall be a claim against the county to the extent of the liability of the county as stated in section 263.10 and allowed and paid by the county to the treasurer of such town, village, or city, who shall credit the sum so paid to the poor fund of the town, city, or village.

(263.12) APPLICATION. Sections 263.10 and 263.11 shall not apply to any county in this state now or hereafter having a city of the first class in which city is located 90 per cent or more in value of the taxable property of the county.

PART VII

CHILD WELFARE

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CHILD WELFARE

A— Duties of Director in Behalf of Children

(257.175) DUTIES OF DIRECTOR IN BEHALF OF CHILDREN; EXECUTIVE OFFICERS. It shall be the duty of the director of social welfare to promote the enforcement of all laws for the protection of defective, illegitimate, dependent, neglected, and delinquent children, to cooperate to this end with juvenile courts and all reputable child-helping and child-placing agencies of a public or private character, and to take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made. The director shall have authority to appoint and fix the salaries of a chief executive officer and such assistants as shall be deemed necessary to carry out the purposes of sections 257.32 to 257.38.

B— Custody of Children

(257.01) PLACING CHILDREN OUT; RECORDS. Every person permitted by law to receive, secure homes for, or otherwise care for children, shall keep a record containing the names, ages, and former residences of all children received; the names, former residences, occupations, and character, so far as known, of the parents; the dates of reception, placing out, and adoption, together with the name, occupations, and residences of the person with whom the child is placed; the date and cause of the cancelation of any contract of indenture; the date and cause of any removal to another home; the date and cause of termination of guardianship, and a brief history of each child until he shall have reached the age of 18 years, or shall have been legally adopted or discharged according to law.

(257.02) SURRENDER OF PARENTAL RIGHTS. No person other than the parents or relatives may assume the permanent care and custody of a child under 14 years of age unless authorized so to do by an order or decree of court. Except in proceedings for adoption, no parent may assign or otherwise transfer to another his rights or duties with respect to the permanent care and custody of his child under 14 years of age. Any such transfer shall be void.

(257.03) NOTIFICATION OF DIRECTOR OF SOCIAL WELFARE. When any person shall place a child in a private home, not licensed as an infants' home, for the purpose of providing the child with a permanent home, the person responsible for the placing of the child shall immediately notify the director of social welfare, giving the name

and address of the child, the name of the person with whom the child has been placed, with such other information regarding the child and his foster home as may be required by the director of social welfare. This section shall not apply to any private child welfare agency approved by the director of social welfare to select persons to care for children as provided in section 257.10.

(257.04) VISITATION OF CHILDREN. Upon the receipt of the notice provided for in section 257.03, or at any time thereafter, the director of social welfare may cause the child and the home in which the child has been placed to be visited by his agents and such investigation to be made as shall satisfy the director of social welfare that the home is a suitable one for the child. The director of social welfare may continue to visit and supervise the case of such child the same as though the child were placed out by the state public school. When satisfied that a child has been placed in an unsuitable home, the director of social welfare may order its transfer. If the order is not obeyed within 30 days, or such shorter time as may be named in the order, the director of social welfare shall take charge of and provide for such child.

(257.05) IMPORTATION OF CHILDREN. No person shall bring or send into the state any child for the purpose of placing him out or procuring his adoption without first obtaining the consent of the director of social welfare, and such person shall conform to the rules of the director of social welfare. He shall file with the director of social welfare a bond to the state, approved by the director of public institutions, in the penal sum of $1,000, conditioned that he will not send or bring into the state any child who is incorrigible or unsound of mind or body; that he will remove any such child who becomes a public charge or who, in the opinion the the director of social welfare, becomes a menace to the community prior to his adoption or becoming of legal age; that he will place the child under a written contract approved by the director of social welfare that the person with whom the child is placed shall be responsible for his proper care and training. Before any child shall be brought or sent into the state for the purpose of placing him in a foster home; the person so bringing or sending such child shall first notify the director of social welfare of his intention, and shall obtain from the director of social welfare a certificate stating that such home is, in the opinion of the director of social welfare, a suitable home for the child. Such notification shall state the name, age, and personal description of the child, and the name and address of the person with whom the child is to be placed, and such other information as may be required by the director of social welfare. The person bringing or sending the child into the state shall report at least once each year, and at such other times as the director of social welfare shall direct, as to the location and

well-being of the child so long as he shall remain within the state and until he shall have reached the age of 18 or shall have been legally adopted. Nothing herein shall be deemed to prohibit a resident of this state from bringing into the state a child for adoption into his own family.

(257.06) EXPORTATION OF CHILDREN. Before any child is taken or sent out of the state for the purpose of placing him in a foster home, otherwise than by a parent or guardian, the person so taking or sending him shall give the director of social welfare such notice and information as is specified in section 257.05, and thereafter report to the director of social welfare at least once each year and at such other times as the director of social welfare may direct as to the location and well-being of such child until he shall have reached the age of 18 years or been legally adopted. It shall be the duty of the director of social welfare to carry out the provisions of this section.

(257.07) WRITTEN AGREEMENT. Every person placing a child in a foster home shall enter into a written agreement with the person taking the child, which agreement shall provide that the person placing the child shall have access at all reasonable times, to such child and to the home in which he is living, and for the return of the child by the person taking him when, in the opinion of the person placing such child or in the opinion of the director of social welfare, the best interests of the child shall require it. The provisions of this section shall not apply to children who have been legally adopted.

(257.08) SUPERVISION BY DIRECTOR OF SOCIAL WELFARE. It shall be the duty of the director of social welfare to pass annually on the fitness of every agency, public, semi-public, or private, which engages in the business, for gain or otherwise, of receiving and caring for children or placing them in private homes. Annually, at such time as the board shall direct, every such agency shall make a report showing its condition, management, and competency to care adequately for such children as are or may be committed thereto or received thereby, the system of visitation employed for children placed in private homes, and such other facts as the director may require. When the director is satisfied that such agency is competent and has adequate facilities to care for such children and that the requirements of the statutes covering the management of such agencies are being complied with he shall issue to the same a certificate to that effect which shall continue in force for one year unless sooner revoked by him. A list of such certified agencies shall be sent by the director at least annually to all juvenile courts and to all the agencies so approved. No agency which has not received such a certificate within the 15 months next preceding, and which certificate remains unrevoked, shall receive a child for care or placing out, place a child in another

home, or solicit money in behalf of such agency. All such agencies shall be supject to the same visitation, inspection, and supervision by the director as are the public charitable institutions of this state. For the purpose of this section the term agency means any individual, association, or corporation.

(257.09) PROHIBITIONS; PENALTY. Every person who violates any of the provisions of sections 257.01 to 257.09, or who shall intentionally make any false statements or reports to the director of social welfare with reference to the matters contained therein, shall, upon conviction of the first offense, be guilty of a misdemeanor. A second or subsequent offense shall be a gross misdemeanor.

(257.10) CHILDREN'S HOMES DEFINED; APPLICATION. Any person who receives for care or treatment or has in his custody at any time one or more infants under the age of 14 years, unattended by a parent or guardian, for the purpose of providing such child or children with food, care, or lodging, except infants related to him by blood or marriage, shall be deemed to maintain an infants' home; where used in sections 257.10 to 257.17 the term "infants' home" includes day care facilities.

The word "person" where used in sections 257.10 to 257.17 includes individuals and partnerships; the word "person" further includes voluntary associations and corporations, whether public or private, and all political subdivisions of the state and departments, boards, and agencies thereof; provided, that sections 257.10 to 257.17 shall not be construed to relate to any institution or institutions under the management of the director of social welfare or the director of public institutions or their officers or agents, nor to any person who furnishes care to children from not more than one family for a period of less than 30 days.

Sections 257.10 to 257.17 shall not apply to any person who receives for care, only children in the care or custody of a private child welfare agency, if such agency is approved by the director of social welfare to select persons to care for such children. The director of social welfare is hereby empowered to grant such approvals to such private welfare agencies as in his judgment will select only persons to care for such children who would otherwise be eligible to receive and hold a license under sections 257.10 to 257.17, and upon his own motion or after investigations occasioned by complaint of any citizen to the director he may revoke such approvals when he believes such revocation to be for the public good.

(257.11) LICENSED BY DIRECTOR OF SOCIAL WELFARE. The director of social welfare is hereby empowered to grant a license for one year for the conduct of any infants' home that is for the public good,

and is conducted by a reputable and responsible person. It shall be the duty of the director to provide such general regulations and rules for the conduct of all such homes as shall be necessary to effect the purposes of all laws of the state relating to children, so far as the same are applicable, and to safeguard the well-being of all infants born therein and the health, morality, and best interests of the patients who are inmates thereof. No person shall receive an infant for care in any such infants' home without first obtaining from the director a license to conduct such infants' home. No such license shall be issued unless the premises are in a fit sanitary condition. The license shall state the name of the licensee, the particular premises in which the business may be carried on, and the number of infants that may be properly boarded or cared for therein at any one time. Such license shall be kept posted in a conspicuous place on the licensed premises. No greater number of infants shall be kept at any one time on the premises than is authorized by the license and no infant shall be kept in a building or place not designated in the license. A record of the licenses so issued shall be kept by the director of social welfare, who shall forthwith give notice to the state board of health and to the local board of health of the city, village, or town in which the licensee resides of the granting of such license and the conditions thereof. The license shall be valid for one year from the date of issue. The director may, after due notice and hearing, revoke the license if any provision of sections 257.10 to 257.17 is violated; or when in his opinion such infants' home is maintained without due regard to sanitation and hygiene or to the health, comfort, morality, or well-being of the inmates thereof, or in case of the violation of any law of the state, in a manner disclosing moral turpitude or unfitness to maintain such hospital, or upon evidence that any such hospital is conducted by a person of ill repute or bad moral character. Written charges against the licensee shall be served upon him at least three days before hearing shall be had thereon and a written copy of the findings and decision of the director upon hearing shall be served upon the licensee in the manner prescribed for the service of a summons in civil actions.

Any licensee feeling himself aggrieved by any decision of the director may appeal to the district court by filing with the clerk thereof in the county where his hospital is situated within ten days after written notice of such decision, a written notice of appeal specifying the grounds upon which the appeal is made.

The appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the director should not be confirmed, amended or set aside. The written notices and decisions shall be treated as the pleadings in the case and may be amended in the discretion of the court. The issues shall be tried anew by the court and findings shall be made upon the issues tried.

Either party may appeal to the supreme court from the determina-

tion of the district court within five days after notice of filing the decision, in the manner provided for appeals in civil action.

No revocation of license shall become effective until any appeal made shall have been determined.

In case of revocation the director shall make an appropriate notation upon the records of the granting of such license and give written notice of the revocation of the license to the licensee by serving a copy of the order of revocation upon the licensee in the manner provided by law for the service of a summons in a civil action. Upon such revocation the director shall forthwith notify the state board of health and the local board of health of the city, town, or village in which the infants' home is situated.

(257.12) FORMS PRESCRIBED BY DIRECTOR OF SOCIAL WELFARE. The director of social welfare may prescribe forms for the registration and record of infants cared for in such home and the licensee shall be entitled to receive gratuitously from the director of social welfare a book of forms for such registration and record. Each book shall contain a printed copy of sections 257.10 to 257.17. The licensee of an infants' home shall keep a record in a form to be prescribed by the director of social welfare, wherein shall be entered the name and age of each child received or cared for in such home, together with the names and addresses of the parents and the name and address of the person bringing the child to the home; the name of any physician attending any sick infant in the home; the name and age of each infant who is given out, adopted, or taken away to or by any person, together with the name and residence of the person so adopting or taking away such infant; and such other information as the director of social welfare shall prescribe. The licensee, immediately after the death in an infants' home of an infant, shall cause notice thereof to be given to the local board of health of the city, village, or town in which such home is located.

(257.13) INSPECTION. The authorized agents of the director of public institutions, the officers and authorized agents of the state board of health and the local board of health of the several cities, villages, and towns of the state in which a licensed infants' home is located may inspect such home at any time and examine every part thereof. The agents of the director of social welfare may call for and examine the records which are required to be kept by the provisions of sections 257.10 to 257.17 and inquire into all matters concerning such home and the infants therein; and the agents of the director of social welfare shall visit and inspect such homes at least once in every six months and make, and the director of social welfare shall preserve, reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility of viewing the prem-

ises and seeing the inmates.

(257.14) ASCERTAINING OF LEGITIMACY. When an infant is received for care in an infants' home, the licensee of such home shall use due diligence to ascertain whether such child is legitimate; and, in case there is any reason to believe that such infant is an illegitimate child, then and in such case such licensee shall notify the director of social welfare thereof and furnish the director of social welfare with such information bearing on such question as may have come to the knowledge of the licensee or any officer or agent of any such home.

(257.15) DISCLOSURE PROHIBITED. No authorized agent of the director of social welfare, no officer or authorized agent of the state board of health or the local boards of health of the city, village, or town where such licensed home is located, or the licensee of such a home, or any of its agents, or any other person, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, or facts learned about such homes or the inmates thereof except upon inquiry before a court of law, at a coroner's inquest, or before some other tribunal, or for the information of the director of social welfare, state board of health, or the local board of the village, city, or town in which the home is located. Nothing herein shall prohibit the director of social welfare disclosing such facts to such proper persons as may be in the interest of any child maintained in the home with the consent of the mother of the child.

(257.16) BURDEN OF PROOF. In a prosecution under the provisions of sections 257.10 to 257.17, or any penal law relating thereto, a defendant who relies for defense upon the relationship of any infant to himself shall have the burden of proof as to such relationship.

(257.17) VIOLATION A GROSS MISDEMEANOR. Every person who violates any of the provisions of sections 257.10 to 257.16 shall, upon conviction of the first offense, be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor.

(257.175) DUTIES OF DIRECTOR IN BEHALF OF CHILDREN; EXECUTIVE OFFICERS. It shall be the duty of the director of social welfare to promote the enforcement of all laws for the protection of defective, illegitimate, dependent, neglected, and delinquent children, to cooperate to this end with juvenile courts and all reputable child-helping and child-placing agencies of a public or private character, and to take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made. The director shall have authority to appoint and fix the salaries of a chief execu-

tive officer and such assistants as shall be deemed necessary to carry out the purposes of sections 257.32 to 257.38.

(257.176) COUNTY CHILD WELFARE BOARDS. Subdivision 1. **Appointment of agents.** The director of social welfare may when requested so to do by the county board appoint in each county three persons resident therein, at least two of whom shall be women, who shall serve without compensation and hold office during his pleasure, and who, together with a member to be designated by the county board from its own number and the county superintendent of schools, shall constitute a child welfare board for the county, which shall select its own chairman; provided, that in any county containing a city of the first class five members shall be appointed by the director. The child welfare board shall perform such duties as may be required of it by the director in furtherance of the provisions of sections 257.32, 257.33, 257.176 and 257.177; and may appoint a secretary and all necessary assistants, who shall receive from the county such salaries as may be fixed by the child welfare board with the approval of the county board. Persons thus appointed shall be the executive agents of the child welfare board.

Subd. 2. **Agents where no child welfare board.** In counties where no child welfare board exists, the judge of the juvenile court may appoint a local agent to cooperate with the director of social welfare in furtherance of the purposes of sections 257.32, 257.33, 257.176 and 257.177, who shall receive from the county such salary as may be fixed by the judge with the approval of the county board.

Subd. 3. **Additional duties of agents.** Agents appointed pursuant to subdivisions 1 and 2 may, when so directed by the county board, perform the duties of probation and school attendance officers and aid in the investigation and supervision of county allowances to mothers.

Note: Functions of county welfare boards are now handled by county welfare boards.

(257.177) TRAVELING EXPENSES. The traveling and other necessary expense of the several members of the child welfare board, while acting officially as members of such board, shall be paid so far as approved by the county board out of the general revenue fund of the county in the same manner as other claims against the county. If a member or an executive agent of the child welfare board uses his own automobile or other conveyance owned by him, he may be allowed reasonable compensation therefor at a rate of not more than seven cents per mile for each mile necessarily traveled in such automobile or other conveyance in the performance of his official duties.

Note: Functions of county welfare boards are now handled by county welfare boards.

C— Illegitimate Children

(257.33) DUTIES OF DIRECTOR OF SOCIAL WELFARE. It shall be the duty of the director of social welfare when notified of a woman who is delivered of an illegitimate child, or pregnant with child likely to be illegitimate when born, to take care that the interests of the child are safeguarded, that appropriate steps are taken to establish his paternity, and that there is secured for him the nearest possible approximation to the care, support, and education that he would be entitled to if born of lawful marriage. For the better accomplishment of these purposes the director of social welfare may initiate such legal or other action as is deemed necessary; may make such provision for the care, maintenance, and education of the child as the best interests of the child may from time to time require, and may offer his aid and protection in such ways as are found wise and expedient to the unmarried woman approaching motherhood.

(257.18) COMPLAINT, WHEN TAKEN; PROCEDURE; WARRANT. Subdivision 1. **Who may take.** If a woman is delivered of an illegitimate child, or is pregnant with a child likely to be illegitimate when born, the county board of the county where she resides, or any member thereof, or the division of social welfare, or any person duly appointed to perform in the county any of the duties of the division of social wefare, relating to the welfare of children, may apply by complaint to a justice of the peace of the county, or to a municipal court, to inquire into the facts and circumstances of the case. Such complaint shall be filed and further proceedings had, either in the county where the mother resides or in the county of the residence of the alleged father of the child or in the county where the child may be found, if it is likely to become a public charge therein.

Subdivision 2. **Examination.** Such justice or the judge of the municipal court may summon the woman to appear before him and may examine her on oath respecting the father of the child, the time when and the place where it was begotten, and any other facts he deems necessary for the discovery of the truth and thereupon shall issue his warrant to apprehend the putative father. Thereafter the proceedings shall be the same as if the complaint had been made by such woman under the provisions of this chapter and with like effect and, in all cases, the complainant and the accused may require the attendance of such woman as a witness.

(257.19) COMPLAINT BY MOTHER. On complaint being made to a justice of the peace or a municipal court by any woman who is delivered of an illegitimate child, or pregnant with a child which, if born alive,

might be illegitimate, accusing any person of being the father of such child, the justice or the clerk of the court shall take the complaint in writing under her oath and thereupon shall issue a warrant, directed to the sheriff or to any constable of the county, commanding him forthwith to bring such accused person before such justice or court to answer such complaint; which warrant may be executed anywhere within the state. Such complaint shall be filed and further proceedings had either in the county where the woman resides or in the county where the alleged father of the child resides or in the county where the child is found, if it is likely to become a public charge upon such county. It shall be the duty of the county attorney, if the complaint seems to be justified, to prosecute such actions and he shall institute appropriate proceedings for the enforcement of orders of the court. The county attorney may, on the written request of the defendant, file such complaint in the district court accompanied by the written request and a waiver by the defendant of his right to a preliminary examination. The county attorney may then bring the defendant before the judge of the court at any time for the adjudication of the paternity of such child and the making of an order for its support.

(257.20) ACTION ENTERED; PROCEEDINGS ON RETURN OF WARRANT. The justice shall enter an action in his docket, or the clerk of court in his register of actions, in which the state shall be plaintiff and the accused defendant, and shall make such other entries as are required in criminal actions. On the return of the warrant with the accused, the justice or judge shall examine, under oath, the complainant, and such other witnesses as may be produced by the parties, respecting the complaint, and shall reduce such examination to writing. He may, at his discretion, and, at the request of either party, shall, exclude the general public from attendance at such examination.

(257.21) BOND; MAY PLEAD GUILTY; COMMITMENT. If there is probable cause to believe the defendant guilty as charged in the complaint, the justice or judge shall require him to enter into a recognizance, with approved sureties, in the sum of not less than $300, nor more than $1,000, to appear before the district court of the proper county at the next term thereof, or, if the court is then sitting in the county, at a date fixed by the justice or judge and answer the complaint and abide the order of the court thereon. If he fails to give such recognizance, the justice or judge shall commit him to the county jail, there to be held to answer such complaint at the next term of such court, or at the date so fixed; provided, that the accused may appear before the court at any time and enter a plea of guilty to the complaint. Thereupon the justice or judge shall certify the examination and return the same and all process and papers in the case to the clerk of such court.

(257.22) CONTINUANCE; RECOGNIZANCE. At the next term of the court, or at the date fixed by the justice or judge, if the complainant has not been delivered or is not able to attend, or for any other sufficient reason, the court may continue the cause, and such continuance shall renew the recognizance, which shall remain in force until final judgment. If the sureties shall at any term of court surrender the defendant and ask to be discharged, or if the court shall at any time deem it proper, it may order a new recognizance to be taken, and commit the defendant until it is given.

(257.23) TRIAL; PRELIMINARY EXAMINATION; JUDGMENT OF PATERNITY; DEFAULT; DUTIES OF DIVISION OF SOCIAL WELFARE; BOND FOR SUPPORT OF CHILD. Upon the trial in district court the judge may at his discretion exclude the general public from attending at such trial and shall do so at the request of either party. The examination taken before the justice or judges of the municipal court shall in all cases be read to the jury when demanded by the defendant. If he is found guilty, or admits the truth of the accusation, he shall be adjudged to be the father of such child and thenceforth shall be subject to all the obligations for the care, maintenance and education of such child, and to all the penalties for failure to perform the same, which are or shall be imposed by law upon the father of a legitimate child of like age and capacity. Judgment shall also be entered against him for all expenses incurred by the county for the lying-in and support of and attendance upon the mother during her sickness, and for the care and support of such child prior to said judgment of paternity, the amount of which expenses, if any, shall also be found by the judge, together with costs of prosecution. If the defendant fails to pay the amount of such money judgment forthwith, or during such stay of execution as may be granted by the court, he shall be committed to the county jail, there to remain until he pays the same or is discharged according to law. No stay shall be granted unless the defendant shall give a bond to the county, in such sum and with such sureties as shall be approved by the court for the payment of such money judgment on or before the expiration of such stay. Upon due notice to the county welfare board or the director of social welfare and the duly appointed guardian, if any, the judge of the district court before whom the proceedings are pending shall make and enter an order, directing and requiring the father of such child to pay to the county welfare board, or the director of social welfare such sum of money or its equivalent, as may be proper and adequate for the care, maintenance, and education of such child; or such order may provide for the payment, in the manner heretofore provided, of a specific sum each month, or at other stated intervals, for the purpose hereinbefore specified. The court shall further fix the amount, and order the defendant to pay all expenses

necessarily incurred by, or in behalf of, the mother of such child, in connection with her confinement and the care and maintenance of the child prior to judgment. If the defendant fails to comply with any order of the court, hereinbefore provided for, he may be summarily dealt with as for contempt of court, and shall likewise be subject to all the penalties for failure to care for and support such child, which are or shall be imposed by law upon the father of a legitimate child of like age and capacity, and in case of such failure to abide any order of the court, the defendant shall be fully liable for the support of such child without reference to such order.

(257.24) FATHER TO PAY ALL EXPENSES. In the event of judgment of paternity, as provided in section 257.23, the mother shall be entitled to recover of the father in a civil action all expense necessarily incurred by her in connection with her confinement, including her suitable maintenance for not more than eight weeks next prior thereto and not more than eight weeks thereafter, and for the burial of the child, if the same shall have been still-born or shall have died after birth, and all necessary expenses and doctors' bills in connection with her and the child's sickness. The provisions of this section shall apply only to such expense, or portion thereof, as is not otherwise provided for by order of the court.

(257.25) APPLICATION FOR DISCHARGE FROM IMPRISONMENT. Any person who has been imprisoned for 90 days for failure to pay any such money judgment for expenses incurred by the county may apply to the court by petition setting forth his inability to pay the same and praying to be discharged from imprisonment, and shall attach to the petition a verified statement of all his property, money, and effects, whether exempt from execution or otherwise. Thereupon the court shall appoint a time and place for hearing the application, of which the petitioner shall give at least ten days' notice to the county attorney.

(257.26) HEARING; JUDGMENT. At the hearing the defendant shall be examined on oath in reference to the facts set forth in the petition and his ability to pay the money judgment, and any other legal evidence in reference to such matters may be produced by any of the parties interested. If it appears that the defendant is unable to pay the judgment, the court may direct his discharge from custody, upon his making affidavit that he has not in his own name any property, real or personal, and has no such property conveyed or concealed or in any manner disposed of with design to secure the same to his own use or to avoid in any manner payment of the judgment. The court, as a condition of such discharge, may require the defendant to pay the judgment in monthly or other instalments, as the earning capacity of the defendant may justi-

fy. If upon the hearing it appears that the defendant has property, but not sufficient to pay the judgment, the court may make such order concerning the same in connection with the discharge as justice may require. The defendant's discharge shall not affect the right of the county to collect upon execution any portion of the judgment remaining at any time unsatisfied, subject to all the provisions of law relating to judgments for the payment of money; or the right of the court to recommit the defendant if at any time it shall appear to the court that the defendant is possessed of means to pay the judgment but will not do so.

(257.27) COMPROMISE BY BOARD. The county board, either before or after judgment, may make such compromise and settlement with the putative father of any illegitimate child as it deems equitable and just for expenses incurred by the county for which judgment may be or shall have been entered pursuant to section 257.23.

(257.28) DIRECTOR OF SOCIAL WELFARE MAY MAKE SETTLEMENT. The director of social welfare shall have authority to accept from the acknowledged or adjudicated father of the child such sum as shall be approved by the court having jurisdiction of proceedings to establish the paternity of the child in full settlement of all obligations for the care, maintenance, and education of such child and hold or dispose of the same as ordered by the court. Such settlement shall discharge the father of all further liability, civil and criminal, on account of such child, provided that such settlement shall not affect any liability of the father under section 257.24.

(257.29) CLERK TO REPORT NAME OF ADJUDGED FATHER. Upon the entry of a judgment determining the paternity of an illegitimate child the clerk of the district court shall notify in writing the state registrar of vital statistics of the name of the person against whom judgment has been entered, together with such other facts disclosed by his records as may assist in identifying the record of the birth of the child as the same may appear in the office of the registrar. If the judgment shall thereafter be vacated, that fact shall be reported by the clerk in like manner.

(257.30) PHYSICIAN MAY TESTIFY. In any proceeding under this chapter a licensed physician or surgeon may testify concerning the fact and probable date of inception of the pregnancy of his patient without her consent and shall so testify when duly called as a witness.

(257.31) RECORDS PRIVATE. All records of court proceedings in cases of alleged illegitimacy after the final determination thereof shall be withheld from inspection by any person other than by written request

of the state department of public welfare or of a county welfare board, except upon order of the court.

(517.19) ILLEGITIMATE CHILDREN. Illegitimate children shall become legitimatized by the subsequent marriage of their parents to each other, and the issue of marriages declared null in law shall nevertheless be legitimate.

(525.172) ILLEGITIMATE AS HEIR. An illegitimate child shall inherit from his mother the same as if born in lawful wedlock, and also from the person who in writing and before a competent attesting witness shall have declared himself to be his father; but such child shall not inherit from the kindred of either parent by right of representation.

(525.173) HEIRS TO ILLEGITIMATE. If any illegitimate child dies intestate and without spouse or issue who inherit under the law, his estate shall descend to his mother, or in case of her prior decease to her heirs other than such child.

(64.06) BENEFICIARIES. The payment of death benefits shall be confined to the wife, husband, family, relatives by blood or marriage, including illegitimate children, parent or child by adoption, affianced husband or wife, a person dependent on the member or on whom the member is dependent, the member's estate, a benevolent, educational, religious, or charitable corporation, or to an incorporated institution for the support of the member; provided, that the member may at any time, by written instrument, authorize the society to provide and pay for the support, care, medical and surgical treatment, and funeral of such member and deduct the amount so paid, with legal interest, from the net reserve to the credit of the member's certificate or from the amount otherwise payable under the certificate to the beneficiary, or the member may, at any time, designate the society as beneficiary and, in such case, the society shall use this reserve or amount to the extent necessary for the purposes aforesaid. Any society may limit the beneficiaries within the above classes.

Members shall have the right to change their beneficiaries within the above limits by complying with the requirements in that behalf prescribed by the society.

(257.14) ASCERTAINING OF LEGITIMACY. When an infant is received for care in an infants' home, the licensee of such home shall use due diligence to ascertain whether such child is legitimate; and, in case there is any reason to believe that such infant is an illegitimate child, then and in such case such licensee shall notify the director of social welfare thereof and furnish the director of social welfare with such

information bearing on such question as may have come to the knowledge of the licensee or any officer or agent of any such home.

D— Dependent, Neglected, and Delinquent Children

(257.32) DIRECTOR OF SOCIAL WELFARE SHALL BE LEGAL GUARDIAN. Subdivision 1. The director of social welfare shall have powers of legal guardianship over the persons of all children who may be committed by courts of competent jurisdiction to his care or to institutions under his management. After commitment to his guardianship, he may make such provision for, and disposition of, the child as necessity and the best interests of the child may from time to time require. No child shall be placed in an institution maintained for the care of delinquents who has not been duly adjudged to be delinquent. The director shall not be authorized to consent to the adoption of a child who is committed to his guardianship on account of delinquency.

Subd. 2. If existing buildings, grounds or other facilities provided by law, or which may be available, for the shelter and care of dependent and neglected children, who are under the guardianship of the director of social welfare, become inadequate, the director, with the approval of the commissioner of administration, may arrange according to law, by gift or by lease, not exceeding two years in duration, for the use of any available buildings, dwellings and grounds appurtenant thereto or suitable for such purpose.

(260.01) DEPENDENT, NEGLECTED, AND DELINQUENT CHILD; ASSOCIATION. For the purpose of sections 260.01 to 260.34 the term "dependent child" means a child who is illegitimate; or whose parents, for good cause, desire to be relieved of his care and custody; or who is without a parent or lawful guardian able to adequately provide for his support, training, and education, and is unable to maintain himself by lawful employment, except such children as are herein defined as "neglected" or "delinquent." The term "neglected child" means a child who is abandoned by both parents, or, if one parent is dead, by the survivor, or by his guardian; or who is found living with vicious or disreputable persons, or whose home, by reason of improvidence, neglect, cruelty, or depravity on the part of the parents, guardian, or other person in whose care he may be, is an unfit place for such child; or whose parents or guardian neglect and refuse, when able to do so, to provide medical, surgical, or other remedial care necessary for his health or well-being; or, when such child is so defective in mind as to require the custodial care and training of the state school for the feebleminded, neglect and refuse to make application for his admission to the institution; or who, being under the age of 12 years, is found begging, peddling, or selling any articles or singing or playing any musical instru-

ment upon the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing. The term "delinquent child" means a child who violates any law of this state or any city or village ordinance; or who is habitually truant or incorrigible; or who knowingly associates with vicious or immoral persons; or who without just cause and without the consent of his parents, guardian, or other custodian absents himself from his home or place of abode, or who knowingly visits any place which exists, or where his presence is permitted, in violation of law; or who habitually uses obscene, profane, or indecent language; or who is guilty of lewd or immoral conduct involving another person. The word "association" means any corporation which includes in its purpose the care or disposition of children coming within the meaning of sections 260.01 to 260.34.

(260.02) JURISDICTION; DISTRICT COURT; PROBATE COURT. The district court in counties now or hereafter having a population of more than 100,000 shall have original and exclusive jurisdiction of all cases coming within the terms of sections 260.01 to 260.34. In all trials in the district court under these sections, except as hereinafter provided, any person interested therein may demand a jury, or a judge of his own motion may order a jury to try the case. In counties now or hereafter having a population of not more than 100,000 the probate court shall have jurisdiction over the appointment of guardians of dependent, neglected, or delinquent children for the purpose of these sections. The jurisdiction of both the district and probate courts over cases of dependency, neglect, and delinquency arising thereunder shall extend to all persons resident or found within the territorial limits of the court, although the evidentiary facts showing such dependency, neglect, or delinquency may have occurred outside such territorial limits.

Sections 260.01 to 260.34 shall apply to children under the age of 18 years, except as therein provided.

When jurisdiction shall have been obtained by the court in the case of any child such child shall continue for the purposes of these sections under the jurisdiction of the court until he becomes 21 years of age unless discharged prior thereto by the court.

(260.03) JUDGES OF JUVENILE COURT. In counties having more than 45,000 inhabitants, except the fourth judicial district and the counties in the seventh judicial district, the judges of the district court shall, at such times as they shall determine, designate one of their number whose duty it shall be to hear all cases arising under sections 260.01 to 260.34, unless absent or disabled, in which case another judge shall be temporarily assigned for these purposes; and such designation shall be for the period of one year unless otherwise ordered. The judge of the juvenile court so designated shall devote his first service and all necessary

time to the business of the juvenile court and this work shall have precedence over all his other court work. When deemed advisable the district judges may designate two judges for the purposes and subject to the provisions specified in this section. A special court room, to be designated as the juvenile court room, shall be provided for the hearing of such cases, and the findings of the court shall be entered in books to be kept for that purpose, and known as the "juvenile record," and the court may for convenience be called the juvenile court of the appropriate county. The title of proceedings in the juvenile court, excepting prosecutions under sections 260.27 and 260.28, shall be substantially as follows:

Juvenile Court, County of_____

In the matter of_____as a dependent (or neglected or delinquent, as the case may be) child.

(260.04) CLERK TO ASSIGN DEPUTY; SALARIES. The clerk of the district court shall assign a deputy, subject to the approval of the judge of the juvenile court, who shall have special charge of the duties to be performed by the clerk in connection with the juvenile court and whose duty it shall be to keep all books and records thereof, to issue summons and process, to attend to correspondence in connection with the court, and in general to perform such duties in the administration of the business of the court, whether or not herein specifically enumerated, as the judge may direct. Such deputy may be specially appointed for the purposes specified herein, in addition to other deputies provided for by law. In counties where more than one judge of the juvenile court has been designated a deputy clerk may be assigned for each. In counties having not less than 150,000 population the salary of the deputy clerk assigned pursuant to this section shall be $1,800 per annum. When not engaged in the duties pertaining to the juvenile court the deputy shall do such work in the clerk's office as the clerk may direct. When such deputy is absent the clerk or another deputy may perform the duties herein specified. The clerk may from time to time change the assignment of such deputy with the approval of the judge. When no assignment of a deputy has been made pursuant to this section the clerk of the district court shall perform the duties herein specified.

(260.05) SALARY OF BAILIFF IN JUVENILE COURT IN RAMSEY COUNTY. In all counties of this state having or which hereafter shall have a population of not less than 220,000, and not more than 330,000, a bailiff of the juvenile court may be appointed by the judge of the court. He shall serve four years unless removed by the judge for cause and shall be in attendance at all sessions of the court, make and serve all summons, writs, warrants, and processes issued out of the court and perform such other duties as may be directed by the judge. He shall have all the authority of a deputy sheriff and when his services are not

required by the juvenile court, he may, with the consent of the court, be called upon by the sheriff to serve as such deputy. In case of his absence, the sheriff shall, upon request of the judge, assign a deputy to perform his duties. The bailiff shall receive a salary of $1,800 per annum, which sum shall include all expenses incurred by him in the performance of his duties within the county.

(260.06) PROBATE COURT AS JUVENILE COURT; RECORD; APPEAL. In counties of not more than 100,000 population the judge of probate shall provide himself with a suitable book at the expense of the county in which he shall enter minutes of all proceedings of the court in each case; he need not record any evidence taken except as it shall seem to him proper and necessary and he shall record therein all orders, decrees, and judgments made by this court except non-appealable orders. The reasons for appointing a guardian shall be entered therein and any parent or the attorney for any child may appeal from the final disposition of the guardianship matter by complying with the law regulating appeals from probate courts. When acting under the provisions of sections 260.01 to 260.34 the probate court may for convenience be called the juvenile court of the appropriate county.

A final order or commitment in any case of dependency, neglect or delinquency, shall be an appealable order which, on appeal, shall be treated and considered the same as an order appointing a general guardian, and shall be tried by a jury, unless a jury is waived by the appellant. On an appeal to the supreme court from a final order of commitment in district court such order shall be treated and considered the same as an order involving merits or a final order affecting a substantial right in a special proceeding.

The parent or attorney for any child so committed may appeal from such order of commitment by complying with the laws regulating appeals from probate and district courts.

Whenever it is necessary for a child to be present the district court may order that the child and an authorized attendant shall be present at a fixed time and place for the hearing on the appeal.

(260.07) WHO MAY FILE PETITION; REQUISITES. Any reputable person including any agent of the director of social welfare or the state industrial commission having knowledge of a child in this state who appears to be either dependent, neglected, or delinquent may file with the juvenile court in the county where the child is or in the county of its residence a verified petition setting forth the facts of the alleged dependency, neglect, or delinquency. The petition shall also set forth the name and residence of each parent, if known, and if both are dead or the residence unknown, then the name and residence of the legal guardian, or if there be none, or if his residence is unknown then the

name and residence of some near relative, if there be one and his residence is known. It shall be sufficient if the petition is on information and belief.

(260.08) SETTING PETITION FOR HEARING; SUMMONS; SERVICE; GUARDIAN AD LITEM; WARRANT; HEARING; CUSTODY OF CHILD. Upon the presentation of the petition if it appears that a child may be dependent, neglected, or delinquent and that it is for the best interests of the child that the matter be heard in said county, the petition shall be filed and a date set for hearing thereon. A summons may be issued by the judge or clerk of the court requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall be not less than 24 hours after service. Such place may be in the county-seat of the county, or in any other city or village in the county, at the discretion of the court. It shall be sufficient to confer jurisdiction if service is made at any time before the day fixed in the summons for the return thereof; but in such case the court if so requested shall not proceed with the hearing earlier than the second day after the service. The summons shall be served as provided by law for the service of summons in civil actions, and may be served by a probation officer. The parents of the child, if living, and their residence is known, or its legal guardian, if one there be, or if there be neither parent nor guardian, or if his residence is not known, then some relative, if there be one and his residence is known, shall be notified of the preceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. Except in counties containing a city of the first class if the petition presented is made by a person other than a representative of the division of social welfare or county welfare board, notice as provided by the court shall be given to the county welfare board. Where the person to be notified, other than a member of the county welfare board or its staff, resides within the county, service of notice shall be the same as service of the summons, but in any other case service of notice shall be made in such manner as the court may direct. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court or bring the child, he may be proceeded against as in case of contempt of court. In case the summons cannot be served or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, or that the welfare of the child requires that he shall be brought forthwith into the custody of the court, a warrant may be issued by the court, either against the parent or guardian or the person having custody of the child or with whom the child may be, or against the child himself. On the date set for the hearing and on the return of the summons if any has been issued or other process, or on

the appearance of the child with or without summons or other process in person before the court, and on the return of the service of notice, if there be any person to be notified, or a personal appearance or written consent to the proceedings of the person or persons, if any to be notified, or as soon thereafter as may be, the court shall proceed to hear the case, and may proceed in a summary manner.

In all such proceedings in counties having less than 150,000 population the county attorney shall appear for the petitioner. The child shall have the right to appear and be represented by counsel and, if unable to provide counsel, the court may appoint counsel for him. The counsel shall receive from the general revenue fund of the county reasonable compensation for services upon the order of the court.

In all such proceedings the county welfare board shall upon the request of the judge of the juvenile court or the county attorney, cause an investigation to be made relative to the child and the child's family. In all such proceedings, such child may be released into the custody of the parent, guardian, or custodian.

(260.09) PROBATION OFFICERS; DUTIES; COMPENSATION. The court shall have authority to appoint one or more persons of good character to serve as probation officers during the pleasure of the court. Such probation officers shall act under the orders of the court in reference to any child committed to their care, and in the performance of their duties shall have the general powers of a peace officer; and it shall be their duty to make such investigations with regard to any child as may be required by the court before, during or after the trial or hearing, and to furnish to the court such information and assistance as may be required; to take charge of any child before, during or after trial or hearing when so directed by the court, and to keep such records and to make such reports to the court as the court may order. Probation officers heretofore or hereafter appointed under the provisions of sections 636.01 to 636.06 shall be subject to the orders of the court in reference to all matters covered by the provisions of sections 260.01 to 260.34. In counties of more than 100,000 population, a majority of the judges of the district court may direct the payment of such salary to probation officers as may be approved by the county board. In other counties probation officers shall receive the same fees as constables for similar services, including all travel, and in addition thereto such salary as may be fixed by the judge and approved by the county board.

In all counties where regular probation officers are not provided by the county board, the county welfare board may on request of the judge of juvenile court provide a probation officer and provide funds and fix the salary therefor to direct and supervise any child placed on probation by the court. Two or more counties through their county boards may combine to provide a common probation officer for the

several counties.

(260.10) EXPERT ASSISTANCE. In any county of more than 150,000 population the court may establish a department of the juvenile probation system of such county for the physical and mental diagnosis of cases of children who are believed to be physically or mentally diseased or defective, and may appoint as special probation officers a competent nurse and a duly qualified physician, whose salaries shall be fixed by the judge with the approval of the county board. In any county under 150,000 population when the juvenile court has obtained jurisdiction of a dependent, neglected, or delinquent child the court may require that a physical or mental examination, or both, be made of such child by a duly qualified physician or mental examiner.

(260.11) COMMITMENT TO DIRECTOR OR STATE PUBLIC SCHOOL; HOSPITAL AND MEDICAL CARE; CONSENT OF PARENTS; CONTINUANCE; FINAL COMMITMENT, NOTICE. When any child shall be found to be dependent or neglected within the meaning of sections 260.01 to 260.34 the court may make an order committing the child to the care of the director of social welfare or of the state public school or some other suitable state institution, or to the care of some reputable citizens of good moral character, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, which association shall have been accredited as provided by law. In appropriate cases the child may be left with the parents subject to such remedial supervision as the court may direct. The court may continue the hearing from time to time without making an order or final commitment, as above provided for, and may make an order placing the child in the temporary care or custody of the county welfare board or an association accredited as provided by law. The court may, when the health or condition of the child shall require it, authorize the county welfare board to provide special medical or remedial care or treatment for the child, including care in a public or private hospital, if necessary, at the expense of the county. In no case shall a dependent child be taken from its parents without their consent unless, after diligent effort has been made to avoid such separation, the same shall be found needful in order to prevent serious detriment to the welfare of such child. Before making an order of final commitment to the director of social welfare or the state public school for dependent children at Owatonna, provided for by this section, the court shall consider such evidence, report, or recommendation as the county welfare board may make concerning the case. Upon making an order of commitment to the director of social welfare, the judge or clerk shall mail or deliver a copy thereof to the director of social welfare, and the child shall be delivered by order

of the court to the county welfare board, as the representative of the director of social welfare, to be cared for as directed by the director of social welfare. If the child is committed to the guardianship of an association, accredited by law to receive children for care and place them in private homes, the child shall be transported at the expense of the county by order of the court to the place designated by such association for the care of the child. The parent or attorney for any such child committed, may petition the juvenile court which made the commitment for the discharge of the child.

(260.12) GUARDIANSHIP; ADOPTION. In any case where the court shall award a dependent or neglected child to the care of the director of social welfare, or of any association or individual in accordance with the provisions of sections 260.01 to 260.34, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the director of social welfare or of the association or individual to whose care he is committed; but such guardianship shall not include the guardianship of any estate of the child, except as provided in section 260.17. The director of social welfare, association, or individual shall have authority to place such child in a family home and may be made a party to any proceedings for the legal adoption of the child, and may, by his or its attorney or representative, appear in any court where such proceedings are pending and consent to such adoption.

(260.13) HEARING; CONTINUANCE; COMMITMENT BY COURT; PAROLE; DISCHARGE. In the case of a deliquent child the court may continue the hearing from time to time and may place the child in the care or custody of a probation officer, and may allow the child to remain in his own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required, and subject to be returned to the court for further or other proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision may be made for the child in a home without such payment. A child found delinquent may be committed by the court to the state training school for boys or the Minnesota home school for girls, or to any institution established by law or incorporated under the laws of this state that may care for delinquent children, or to any place provided by the town or county suitable to the care of such children. In appropriate cases the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neg-

lected or dependent children. In no case shall a child be held under any such commitment beyond the age of 21 years. A child committed to such an institution or association shall be subject to the control of the board of managers thereof.

Upon the court's own motion or upon the petition of the director of institutions or upon the petition of a parent or the attorney for a child, the court after a hearing of which the director of institutions has been given ten days' notice shall have the power to parole or discharge said child.

Every child committed to the state training school for boys or the Minnesota home school for girls shall be subject to the guardianship of the director of social welfare and to all the laws and regulations relating to discipline in and parole and discharge from the schools.

(260.14) COUNTY HOME SCHOOLS. In counties of over 33,000 population the county board shall have authority to purchase, lease, erect, equip, and maintain a county home school for boys and girls, or a separate home school for boys and a separate home school for girls, and the same may, with the approval of the district court judges, be a separate institution, or it may be established and operated in connection with any other organized charitable or educational institution; but the plans, location, equipment, and operation of the county home school shall in all cases have the approval of the judges of the district court. There shall be a superintendent or matron, or both, appointed for such home, who shall be probation officers of the juvenile court, and shall be appointed and removed by the district judges. The salaries of the superintendent, matron, and other employees shall be fixed by the judges of the district court, subject to the approval of the county board. The juvenile court may place in the home school, for a period of not more than six months under any order, any child coming before the court, and any child who is placed in such home school may be released therefrom by order of the court at any time. A delinquent child may be committed during the pleasure of the court to any county home school, or any orphans' home conducted by a charitable institution, where the inmates are taught the branches of study usually pursued in the public schools and where agriculture, horticulture, gardening, or domestic science is studied or carried on by the inmates thereof; but in no case shall such child be detained beyond his majority. The county board of each county to which this section applies is hereby authorized, empowered, and required to provide the necessary funds to make all needful appropriations to carry out the provisions of this section. The board of education, commissioner of education, or other persons having charge of the public schools in any city of the first or second class in a county where a county home school is maintained pursuant to the provisions of this section shall have authority to furnish all necessary instructors, school books, and school supplies for

the boys and girls placed in any such home school.

(260.15) EXISTING HOME SCHOOLS CONTINUED. All juvenile detention homes, farms, and industrial schools heretofore established under the provisions of Laws 1905, Chapter 285, section 5, as amended by Laws 1907, Chapter 172, and Laws 1911, Chapter 353, or Laws 1913, Chapter 83, or Laws 1915, Chapter 228, are hereby declared to be county home schools within the meaning of sections 260.01 to 260.34 and all the provisions of those sections relating to county home schools shall apply thereto.

(260.16) GUARDIANS FOR DELINQUENTS IN PROBATE COURT. When any child is found delinquent in a probate court the court may appoint the director of social welfare to be the guardian of such child, or any institution or association incorporated under the laws of this state that may care for delinquent children and become their guardian, or any suitable city, county, or state institution. The provisions of section 260.13 relative to the control, parole, and discharge of delinquent children committed by district courts shall apply to delinquent children placed under guardianship by probate courts. In all cases girls committed to the state home school for girls shall be accompanied to the school by a woman.

(260.17) PROPERTY OF CHILD USED FOR CHILD'S EDUCATION. If any child placed under guardianship by a juvenile court pursuant to the provisions of sections 260.01 to 260.34 has any property, the income thereof shall, unless more than is necessary, be applied to the education of such child; and upon cause shown to the court having jurisdiction of the estate of such child the principal or any part thereof may be used for the same purpose.

(260.18) INFORMATION WITH COMMITMENT. When a juvenile court shall commit a child to a state institution or to the guardianship of the director of social welfare there shall be delivered with the order of commitment a copy of the findings and order of the court relative to such child and a brief statement of such particulars of the case as the director of social welfare may require.

(260.19) EVIDENCE IN DELINQUENCY CASES PROTECTED. Any disposition of a child dealt with for delinquency under sections 260.01 to 260.34, or any evidence given in such cause, shall not in any civil, criminal, or other cause or proceeding in any court be lawful or proper evidence against such child for any purpose; provided, that nothing in this section shall be construed to relate to subsequent proceedings in a juvenile court.

(260.20) RELIGIOUS BELIEF OF PARENTS. The court in committing any child, or appointing a guardian for him under the provisions of sections 260.01 to 260.34, shall place him so far as it deems practicable in the care and custody of some individual holding the same religious belief as the parents of the child, or with some association which is controlled by persons of like religious faith with the parents.

(260.21) CRIMINAL PROCEEDINGS. The adjudication of a juvenile court that a child is delinquent shall in no case be deemed a conviction of crime; but the court may in its discretion cause any alleged delinquent child of the age of 12 years or over to be proceeded against in accordance with the laws that may be in force governing the commission of and punishment for crimes and misdemeanors, or for the violation of municipal ordinances, by an order directing the county attorney to institute such prosecution as may be appropriate.

(260.22) TRANSFER OF CASES. Subdivision 1. **Transfer from municipal or justice court.** When any minor is arraigned upon a criminal charge before a judge of the municipal court or justice of the peace otherwise than upon an order transferring the case from a juvenile court the judge or justice shall inquire concerning the age of such minor and, if it satisfactorily appears that he is under the age of 18 years, the case shall forthwith be transferred to the juvenile court of the county. Such transfer shall be effected by filing with the judge or clerk of the juvenile court a certificate showing the name, age, and residence of the child, the names and addresses of his parents or guardian, if known, the specific charge upon which he has been arraigned, and the name and residence of the complainant.

The certificate shall have the effect of a petition filed in the juvenile court; but the judge of the court may in his discretion direct the filing of a new petition, which shall supersede such certificate. The judge of the municipal court or the justice shall have power to commit such child to appropriate custody, when deemed advisable, for a period of not more than one week and to fix reasonable bail, upon furnishing which the child shall be returned to the custody of his parents or guardian to respond to such proceedings as shall be had in the juvenile court.

Subdivision 2. **Transfer to another county.** The judge in charge of the juvenile court in any county may transfer any case to another county when it appears that the child resides in such other county and the convenience of witnesses or the interest of such child will be best served by such transfer. Such transfer shall be made by forwarding to the clerk of the juvenile court of the county to which the case is transferred a certified copy of all papers filed, together with an order of transfer.

(260.23) ARREST; WARRANTS. Nothing in sections 260.01 to 260.34 shall be construed to forbid the arrest of any person with or without warrant as is now or hereafter may be provided by law or to forbid the issue of warrants by magistrates as so provided.

(260.24) PRIVACY OF HEARINGS AND RECORDS. Upon the trial or hearing of cases arising under sections 260.01 to 260.34 the court shall exclude the general public from the room wherein such trial or hearing is had, admitting only such persons as may have a direct interest in the case, witnesses, officers of the court and accredited persons interested in the study of social conditions. The records of all cases may be withheld from indiscriminate public inspection at the discretion of the court; but such records shall at all times be open to the inspection of any child to whom the same relates, and to his parents and guardian. For the purposes of this section the records of juvenile probation officers and county home schools shall be deemed records of the court. This section shall not be deemed to apply to prosecutions under sections 260.27 and 260.28.

(260.25) SUPPORT BY PARENTS. In any case in which the juvenile court of a county having a population of over 40,000, except those of the seventh judicial district, shall find a child dependent, neglected, or delinquent, it may, in the same or a subsequent proceeding, upon the parents of the child or either of them being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to his support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises and enforce the same by execution or in any way in which a court of equity may enforce its orders or decrees.

(260.26) UNLAWFUL REMOVAL OF CHILD. Any unlawful removal, attempt to remove or interference with a child committed by a juvenile court to the custody or guardianship of any institution, association, or individual is hereby declared to be contempt of court and punishable accordingly.

(260.27) RESPONSIBILITY OF PARENTS, GUARDIANS; PENALTY. In all cases when any child shall be found to be neglected or delinquent as defined in sections 260.01 to 260.34 the parent or parents, legal guardian, or person having the custody of such child, or any other person who by any act, word, or omission encourages, causes, or contributes to, the neglected or delinquent condition of such child when such act, word, or omission is not by other provisions of law declared to be a felony, is guilty of a misdemeanor. The fact that a child has been ad-

judged more than once to be delinquent on account of conduct occurring while in the custody of his parents or the same guardian shall be presumptive evidence that such parents or guardian are responsible for his last adjudged delinquency.

(260.28) JURISDICTION. In counties having a population of over 33,000 the juvenile court shall have jurisdiction of the offenses described in section 260.27. Prosecutions hereunder shall be begun by complaint duly verified and filed in the juvenile court of the county. If the defendant is found guilty, the court may impose conditions upon him and so long as he shall comply therewith to the satisfaction of the court the sentence imposed may be suspended.

(260.29) EXPENSES PAYABLE BY COUNTY. The expenses in probate courts acting as juvenile court for the proceedings of dependent, neglected, and delinquent children including the care of children when in the custody of the court and during continuance when not with the parents, medical and hospital care that may be necessary at the hearing or while the child is in the custody of the court, the fees and necessary mileage, not to exceed five cents per mile, of witnesses and of officers serving notices and subpoenas ordered by the court, the expenses for travel and board incurred by the probate judge when holding court in places other than the county-seat, and 15 cents for each folio for all records in these matters additional to his salary, shall be paid by the county upon the certificate of the probate judge.

(260.30) FINDINGS; CERTIFICATION. In any proceeding relating to a dependent, neglected, or delinquent child, if it appears that the child has a legal settlement in another county, the court may continue the case and forward to the clerk of the juvenile court of the county in which it appears the child has a legal settlement a certified copy of all papers filed, together with an order of transfer of the case to the county of legal settlement. When the judge of the juvenile court of the county to which the case has been transferred denies that such child has a legal settlement in his county, he shall send such order of transfer with his statement of facts as to settlement of the child to the director of social welfare, who shall immediately investigate and determine the question of legal settlement and certify his findings to the juvenile judge of each of such counties. Such decision shall be final and complied with unless, within 30 days thereafter, action is taken in the district court as provided in sections 261.08 and 261.09.

When the legal settlement of the child has been determined the judge of the juvenile court of the county of legal settlement shall proceed to hear and determine the disposition of the case. The judge may accept the findings of the juvenile court where the petition was filed

or he may in his discretion direct the filing of a new petition and hear the case de novo.

(260.31) CERTIFICATION OF REJECTION OF CLAIM BY COUNTY AUDITOR; DETERMINATION BY DIRECTOR OF SOCIAL WELFARE. When it has been determined that the legal settlement of such child is in another county by the admission of the juvenile court judge of such county or by the director of social welfare or the district court, the necessary costs and expenses of such proceedings, together with the cost of caring for such child during continuances when not with the parents, shall be certified by the court to the auditor of the county in which the proceedings are held, who shall certify the same to the auditor of the county where the child is found to have a legal settlement and paid as other claims against the county.

(260.32) PAYMENT OF SALARIES. All salaries required to be paid under the provisions of section 260.01 to 260.34 shall be paid by the county in equal monthly instalments and all authorized fees and expense money shall be paid by the county upon proper certification by the judge.

(260.33) LIBERAL CONSTRUCTION. Sections 260.01 to 260.34 shall be liberally construed to the end that their purpose may be carried out. In all proceedings arising under their provisions the court shall act upon the principle that to the child concerned there is due from the state the protection and correction which he needs under the circumstances disclosed in the case; and when it is necessary to provide for him eleswhere than with his parents his care, custody, and discipline shall approximate as nearly as may be that which ought to be given by his parents; and in all cases where it can properly be done he shall be placed in an approved family home and become a member of the family by legal adoption or otherwise.

(260.34) LAWS NOT AFFECTED. Nothing contained in sections 260.01 to 260.34 shall be construed to repeal any of the provisions of sections 484.53, 636.01 to 636.06, or Laws 1915, Chapter 3.

(260.35) DIRECTOR TO MAKE TESTS, EXAMINATIONS. Thereafter it shall be the duty of the director of social welfare through the bureau of child welfare and county welfare boards to arrange for such tests, examinations, and investigations as are necessary for the proper diagnosis, classification, treatment, care, and disposition of the child as necessity and the best interests of the child shall from time to time require. When it appears that a dependent or neglected child is sound of mind, free from disease, and suitable for placement in a foster home for care or adoption, the director may so place him or delegate such duties

to a child-placing agency accredited as provided by law, or authorize his care in the county by and under the supervision of the county welfare board.

(260.36) MAY MAKE SPECIAL PROVISIONS IN CERTAIN CASES. When the director of social welfare shall find that a child committed to his guardianship as a dependent or neglected child is handicapped physically or whose mentality has not been satisfactorily determined or who is affected by habits, ailments, or handicaps that produce erratic and unstable conduct, and is not suitable or desirable for placement in a home for permanent care or adoption, the director of social welfare shall make special provision for his care and treatment designed to fit him, if possible, for such placement or to become self-supporting. The facilities of the division of social welfare and all state institutions, the Minnesota general hospital, and the child guidance clinic of its psychopathic department, as well as the facilities available through reputable clinics, private child-caring agencies, and foster boarding homes, accredited as provided by law, may be used as the particular needs of the child may demand. When it appears that the child is suitable for permanent placement or adoption, the director of social welfare shall cause him to be placed as provided in section 260.35. If the director of social welfare is satisfied that the child is feeble-minded he may bring him before the probate court of the county where he is found or the county of his legal settlement for examination and commitment as provided by law.

(260.37) GUARDIANSHIP TO CEASE WHEN MINOR REACHES MAJORITY. When a child is no longer a minor, as provided by law, the guardianship of the director of social welfare shall cease. If he is not self-supporting he shall be returned to the county of his legal settlement for care by the authorities charged with poor relief. A child, of the age of 14 years, not adopted but placed in a satisfactory foster home, may with the foster parents' consent, join with the director of social welfare in a petition to the court having jurisdiction of such child, praying that such foster parents be appointed guardian of such child and for the discharge of the director of social welfare as such guardian.

(260.38) NECESSARY COSTS TO BE PAID BY COUNTY. In addition to the usual care and services given by public and private agencies, the necessary cost incurred by the director of social welfare in providing care for such child, except such children as may have been committed to the state public school, shall be paid by the county committing such child which, subject to uniform regulations established by the director of social welfare, may receive a reimbursement not exceeding one-half of such costs from funds made available for this purpose by the legislature.

E— State Public School For Dependent Children

(247.01) STATE PUBLIC SCHOOL; LOCATION; PURPOSE; TEMPORARY EMERGENCY USE. The state public school for dependent children shall be continued at Owatonna. Its purpose shall be to furnish a temporary home for dependent and neglected children and to provide them with proper permanent homes, proper care, and instruction, while in the home, in the branches usually taught in the common schools and with moral, physical, and industrial training. Provided, that from June 30, 1945, until June 30, 1947, the State Public School at Owatonna may be used temporarily as an institution to provide academic educational and vocational training for those feeble-minded persons who may, through such education and training, be prepared for return to society as self-supporting individuals. Provided, further, that if during the period from June 30, 1945, to June 30, 1947, the director of social welfare determines that the facilities of the state public school at Owatonna are necessary for the proper care and training of dependent and neglected children, then and in such event the facilities at said school shall be made available for such purpose.

(247.02) COMMITMENTS TO SCHOOL. Children under 15 years of age who are dependent on the public for support, abandoned, neglected, or ill treated, and who are sound of mind and free from disease, shall be received into the state public school for dependent children upon commitment by a juvenile court. When the number of such children shall exceed the capacity of the school, preference shall be given to the younger children and to those in greatest need. The children received shall be divided among the several counties as justly as possible, taking into consideration the number of such children in each county and its population. The director of public institutions, or superintendent, shall notify the juvenile court of any county of the number of children that can be received from such county, when vacancies exist, or upon inquiry from the court. The children of soldiers shall be given preference in admission. No child who can be received into the school shall be maintained in any poorhouse. Before any child under one year of age shall be ordered sent to this school, a written statement from the superintendent shall be obtained, showing that the child can be received and cared for in the school.

(247.03) DIRECTOR OF SOCIAL WELFARE TO ASSUME GUARDIANSHIP OF CHILD. A child admitted to the state public school for dependent children shall remain therein and be subject to the guardianship of the director of social welfare until a proper home is procured for him. The director of social welfare may return or discharge each child when satisfied that he is unsound in mind, or diseased, or for other cause is not a proper inmate of this school. Upon such return or

discharge, the guardianship of the director of social welfare shall cease and the child shall again be under the custody of his parents or guardian, or a charge upon the county from which he was sent.

(247.04) ADOPTION AND APPRENTICESHIP. The director of social welfare so far as practicable shall secure permanent homes for such children in proper families by adoption or apprenticeship; and for that purpose may consent, or authorize the superintendent to consent, to the legal adoption of any such child in the same manner as his parents might have done; or the director of social welfare may place him in a proper family during minority or for a shorter period, under a written contract providing for his proper education in public schools, for teaching him some useful occupation, for kind and proper treatment as a member of such family, and for payment to the director of social welfare at the termination of the apprenticeship, for the use of the child, of such sum as may be provided in the contract. Such contract shall reserve to the director of social welfare the right of cancelation when in his judgment the interest of the child requires it, and to the person taking the child the right so to cancel at any time within 90 days, upon returning the child to the school free of expense.

(247.05) DISCHARGE OF CHILD. When any such child, not indentured, has become self-supporting or his parents have become able to provide for him and are otherwise suitable the director of social welfare may discharge him; whereupon the guardianship of the director of social welfare shall cease and such child shall be entitled to his earnings, with power to contract for his services, or return to the custody of his parents, as the director of social welfare shall direct.

(247.06) AGENTS; APPOINTMENT; DUTIES. Suitable persons shall be appointed to act as agents of the school. They shall visit the wards of the director of social welfare, at his direction, report to him their condition and any violation of contracts, and perform such other duties as the director of social welfare may direct. They, or the superintendent, shall provide homes for wards, investigate applications for apprentices; and, on behalf of the director of social welfare, execute contracts of apprenticeship. They shall be allowed in addition to their salaries their necessary traveling expenses, to be audited by the director of social welfare.

(247.07) RECORD OF INMATES. The director of public institutions shall cause to be kept at the home a record containing the names, ages, and residences of all children received; the names, residence, occupation, and character, so far as known, of the living parents; the record of military or naval service of the parents, if any, in the force of the United

States, with a separate index thereof; the date of reception, and of adoption or indenture, with the name, occupation, and residence of the person with whom the child is placed; the date and cause of the cancelation of any contract; the date and cause of discharge; and a brief history of each child during minority.

(247.08) HOMES FOR CHILDREN. The director of public institutions is hereby authorized to receive, keep, maintain, train, and find homes for such children as the controlling board or other managing authorities of any institution or association which is permitted to receive, find homes for, or secure adoption for children under the supervision of the director of social welfare may request.

(247.09) VISITATORIAL POWERS. The director of public institutions is authorized to visit and investigate the conditions of all children for whom homes have been found by an institution within the state which has or may at any time have been permitted by the director of social welfare to receive and find homes for dependent children.

(247.10) PENALTIES. Any parent, guardian, or other person who shall abduct, conceal, entice, carry away, or improperly interfere with any child committed to the guardianship of the director of social welfare, or who shall obstruct or interfere with any officer or agent in the performance of any duty imposed by this chapter, shall be guilty of a misdemeanor.

F— State Hospital For Crippled Children

(250.01) GILLETTE STATE HOSPITAL FOR CRIPPLED CHILDREN; ESTABLISHMENT AND LOCATION. There is hereby established a state hospital for indigent, crippled, and deformed children of the state which shall be known as the Gillette state hospital for crippled children. Such hospital is hereby located upon the following described lands in the city of St. Paul, county of Ramsey, and state of Minnesota:

Northerly 24 feet of the westerly 45 feet of lot three, and westerly 45 feet of lots four and five, and southerly two and six-tenths feet of the westerly 45 feet of lot six, and the southerly two and six-tenths feet of lot 17, and all of lots 18 and 19, and the northerly 24 feet of lot 20, all in block 14, of Stinson, Brown and Ramsey's Addition to St. Paul.

Commencing at a point on the southerly line of Niederhoefer street and 103 feet easterly from the easterly line of Richmond street, thence southerly parallel with Richmond street, 73 feet; thence westerly, parallel with the southerly line of Niederhoefer street, 40 feet; thence southerly, parallel with Richmond street 142 feet; thence westerly, parallel with

the southerly line of Niederhoefer street 128 feet; thence southerly, parallel with Richmond street to a point 150 feet south of the southerly line of Jefferson avenue; thence easterly on a line parallel with the southerly line of Jefferson avenue to a point where the center line of Richmond street if produced southerly would intersect that line; thence southerly on the center line of Richmond street if produced southerly to the northerly line of the right of way of the Chicago, St. Paul, Minneapolis and Omaha Railway Company; thence northeasterly along this right of way to a point on the northerly line of lot 33, Sloan's Subdivision of part of block 15, Stinson, Brown and Ramsey's Addition, intersecting this right of way; thence westerly on the northerly line of lots 33, 34, 35, and 36, Sloan's Subdivision of part of block 15, Stinson, Brown and Ramsey's Addition, to the southeasterly corner of lot ten of Sloan's Subdivision; thence northerly along the easterly line of lot ten to the southerly line of Niederhoefer street; thence westerly on the southerly line of Niederhoefer street 147 feet to place of beginning, being part of Sloan's Subdivision and part of block 16, Stinson, Brown and Ramsey's Addition to St. Paul.

All of the northeast quarter of the southwest quarter of section 21, township 29, range 22, Ramsey county, Minnesota, reserving therefrom 17 acres of land taken under condemnation proceedings by the city of St. Paul for Phalen Park.

(250.02) CONTROL AND MANAGEMENT; WHO ADMITTED. The state hospital for indigent, crippled, and deformed children shall be under the control and management of the director of public institutions and he is hereby authorized and empowered to make provision for the care and treatment in such hospital of indigent children who may have resided within the state for not less than one year, who are crippled or deformed, or who are suffering from disease through which they are likely to become crippled or deformed, and to make the necessary contracts for the maintenance and care of such children in this hospital.

(250.03) RULES AND REGULATIONS. The director of public institutions shall adopt such rules and regulations as he may deem proper and necessary for the admission, discharge, care, treatment, and education of such children.

G— Maternity Hospitals

Introductory:

Since 1918 maternity hospitals in Minnesota have been licensed under the provisions of the maternity hospital law. This law, which defines and regulates the conduct of maternity hospitals, was administered from 1918 to 1939 by the state board of control. In the reorganization

of state government in 1939, the state board of control was abolished and the enforcement of the maternity hospital law was made the duty of the director of the division of social welfare of the department of social security. On January 1, 1942, the responsibility for issuance of licenses to maternity hospitals was tranferred to the Minnesota department of health under the provisions of the hospital licensing law enacted by the 1941 legislature.

Therefore, in reading the following statutes it is necessary to bear in mind that the enforcement of the provisions relating to licensing of maternity hospitals is now the responsibility of the Minnesota department of health. In issuing licenses to maternity hospitals, the Minnesota department of health secures from the director of social welfare his approval of the institution with respect to compliance with the child welfare provisions of the law.

(258.01) PERSON. The word "person" where used in this chapter includes individuals, partnerships, voluntary associations, and corporations. This chapter shall not be construed to relate to any institution under the management of the director of public institutions or his agents.

(258.02) MATERNITY HOSPITAL. Any person who receives for care and treatment during pregnancy or during delivery or within ten days after delivery, more than one woman within a period of six months, except women related to him or her by blood or marriage, shall be deemed to maintain a maternity hospital.

(258.03) LICENSED BY DIRECTOR OF SOCIAL WELFARE. The director of social welfare is hereby empowered to grant a license for one year for the conduct of any maternity hospital that is for the public good and that is conducted by a reputable and responsible person. It shall be the duty of the director to prescribe such general regulations and rules for the conduct of all such hospitals as shall be necessary to effect the purposes of all laws of the state relating to children so far as the same are applicable, and to safeguard the well-being of all infants born therein, and the health, morality, and best interests of the parties who are inmates thereof. No maternity hospital shall receive a woman for care therein without first obtaining a license to conduct such hospital from the director. No such license shall be issued unless the premises are in fit sanitary condition. The license shall state the name of the licensee, designate the premises in which the business may be carried on, and the number of women that may be properly treated or cared for therein at any one time. Such license shall be kept posted in a conspicuous place on the licensed premises. No greater number of women shall be kept at any one time on the premises for which the license is issued than is authorized by the license and no woman shall be kept in a building or place not

designated in the license. A record of the license so issued shall be kept by the director, who shall forthwith give notice to the state board of health and to the local board of health of the city, village, or town in which the licensee resides of the granting of such license and the conditions thereof. The license shall be valid for one year from the date of the issuance thereof. The director may, after due notice and hearing, revoke the license in case the person to whom the same is issued violates any of the provisions of this chapter; or when in his opinion such maternity hospital is maintained without due regard to sanitation and hygiene, or to the health, comfort, or well-being of the inmates or infants born to such inmates, or in case of the violation of any law of the state in a manner disclosing moral turpitude or unfitness to maintain such hospital, or that any such hospital is conducted by a person of ill repute or bad moral character.

Written charges against the licensee shall be served upon him at least three days before hearing shall be had thereon and a written copy of the findings and decision of the director upon hearing shall be served upon the licensee in the manner prescribed for the service of a summons in civil actions.

Any licensee feeling himself aggrieved by any decision of the director may appeal to the district court by filing with the clerk thereof in the county where his hospital is situated within ten days after written notice of such decision a written notice of appeal specifying the grounds upon which the appeal is made.

The appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the director should not be confirmed, amended, or set aside. The written notices and decisions shall be treated as the pleadings in the case and may be amended in the discretion of the court. The issues shall be tried anew by the court and findings made upon the issues tried.

Either party may appeal to the supreme court from the determination of the district court within five days after notice of filing the decision in the manner provided for appeals in civil action.

No revocation of license shall become effective until any appeal made shall have been determined. In case of a revocation of a license, the director of social welfare shall make a notation thereof upon his records and give written notice of such revocation to the licensee by delivery of a copy of the order of revocation to the licensee or leaving a copy thereof with a person of suitable age and discretion living upon the premises. In case of revocation the director of social welfare shall notify the state board of health and the local board of health of the city, village, or town in which the hospital is situated.

(258.04) PLACEMENT OF CHILDREN. No person, as an inducement to a woman to go to any maternity hospital during confinement, shall

in any way offer to dispose of any child or advertise that he will give children for adoption or hold himself out as being able to dispose of children in any manner.

(258.05) TO PRESCRIBE FORMS. The director of social welfare may prescribe forms for the registration and record of persons cared for in any such hospital, and the licensee shall be entitled to receive gratuitously from the director a book of forms for such registration and record. Each book shall contain a printed copy of this chapter. The licensee of a maternity hospital shall keep a record in the form to be prescribed by the director of social welfare wherein shall be entered the true name of every patient, together with all her places of residence during the year preceding admission to the hospital, the name and address of the physician or midwife who attended at each birth taking place at such hospital, or who attended any sick infant therein, and the name and address of the mother of such child; the name and age of each child who is given out, adopted, or taken away to or by any person, together with the name and residence of the person so adopting or taking away such child, and such other information as will be within the knowledge of the licensee and as the director of social welfare shall prescribe.

(258.06) PHYSICIAN OR MIDWIFE TO MAKE REPORT. Every birth occurring in a maternity hospital shall be attended by a legally qualified physician or midwife. The licensee owning or conducting such hospital shall within 24 hours after the birth therein of a child known to be of illegitimate birth, make a written report thereof to the director of social welfare, giving the name of the mother, the sex of the child and such additional information as shall be within the knowledge of the licensee and as may be required by the director. The licensee owning or conducting any such hospital shall immediately after the death in a maternity hospital of a woman, or an infant born therein or brought thereto, cause notice thereof to be given to the local board of health of the city, village or town in which such hospital is located.

(258.07) INSPECTION OF HOSPITALS. The authorized agents of the director of social welfare and the officers and authorized agents of the state board of health and the local board of health of the city, village, or town in which a licensed maternity hospital is located may inspect such hospital at any time and examine every part thereof. The agents of the director of social welfare may call for and examine the records which are required to be kept by the provisions of this chapter and inquire into all matters concerning such hospital and patients and infants therein; and the authorized agents of the director of social welfare shall visit and inspect such hospitals at least once every six months and shall preserve reports of the conditions found therein. The licensee shall give all

reasonable information to such inspectors and afford them every reasonable facility for viewing the premises and seeing the patients therein.

(258.08) INFORMATION AS TO LEGITIMACY OF CHILD. When a woman who, within ten days after delivery of a child, or a woman, who is pregnant, is received for care in a maternity hospital, the licensee of such maternity hospital or the officer in charge of such other hospital, shall use due diligence to ascertain whether such child is legitimate; and, if there is reason to believe that such child is illegitimate or will be when born illegitimate, such licensee shall report to the director of social welfare forthwith the presence of such woman, together with such other information as shall be within the knowledge of the licensee and as the director may require.

(258.09) DISCLOSURE OF CONTENTS. No authorized agent of the director of social welfare, no officer or authorized agent of the state board of health or the local boards of health of the city, village, or town where such licensed hospital is located, or the licensee of such a hospital, or any of its agents, or any other person, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, or facts learned about such hospital, or the inmates thereof, except upon inquiry before a court of law, at a coroner's inquest, or before some other tribunal, or for the information of the director of social welfare, state board of health, or the local board of health of the village, city, or town in which the hospital is located. Nothing herein shall prohibit the director, with the consent of any patient in such hospital, disclosing such facts to such proper persons as may be in the interest of such patient or the infant born to her.

(258.10) BURDEN OF PROOF. In a prosecution under the provisions of this chapter or any penal law relating thereto, a defendant who relies for defense upon the relationship of any woman or infant to himself shall have the burden of proof.

(258.11) VIOLATIONS; PENALTIES. Every person who violates any of the provisions of this chapter shall, upon conviction of the first offense, be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor.

H— Adoption; Change of Name

(259.01) ADOPTION; PETITION AND CONSENT. Any resident of the state may petition the district court of the county in which he resides for leave to adopt any child not his own. If the petitioner be married the spouse shall join in the petition. All petitions for the adoption

of a child who is a ward or pupil of the state public school shall be made jointly by the person desiring to adopt such child and the superintendent of the state public school. The director of social welfare may determine that the joinder of the superintendent in the petition shall be his consent to the adoption of the ward or pupil, as prayed for in the petition. A person of full age may be adopted.

(259.02) INVESTIGATION; PROBATIONARY RESIDENCE. Upon the filing of a petition for the adoption of a minor child the court shall notify the director of social welfare. It shall then be the duty of the director to verify the allegations of the petition; to investigate the condition and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption, and to make appropriate inquiry to determine whether the proposed foster home is a suitable home for the child. The director shall as soon as practicable submit to the court a full report in writing, with a recommendation as to the granting of the petition and any other information regarding the child or the proposed home which the court shall require. If the report of the director disapproves of the adoption of the child the director may move the court to dismiss the petition. No petition shall be granted until the child shall have lived for six months in the proposed home. Such investigation and period of residence may be waived by the court upon good cause shown, when satisfied that the proposed home and the child are suited to each other.

(259.03) CONSENT, WHEN NECESSARY. Except as herein provided no adoption of a minor shall be permitted without the consent of his parents, but the consent of a parent who has abandoned the child, or who cannot be found, or who is insane or otherwise incapacitated from giving such consent, or who has lost custody of the child through divorce proceedings or the order of a juvenile court, may be dispensed with, and consent may be given by the guardian, if there be one or if there be no guardian, by the director of social welfare. In case of illegitimacy the consent of the mother alone shall suffice. In all cases where the child is over 14 years old his own consent must be had also.

(259.04) HOSPITAL MAY CONSENT TO ADOPTION. Any hospital incorporated under the laws of this state for the purpose of caring for unmarried women who are about to become mothers, and for illegitimate children born in such hospital or left in its care by the mothers for the purpose of being placed in suitable homes, may be the custodian of the persons of such children.

(259.05) NOTICE OF HEARING. When the parents of any minor child are dead or have abandoned him and he has no guardian in the state the

court shall order three weeks' published notice of the hearing on such petition to be given, the last publication to be at least ten days before the time set therefor. In every such case the court shall cause such further notice to be given to the known kindred of the child as shall appear to be just and practicable. If there be no duly appointed guardian, a parent who has lost custody of a child through divorce proceedings, and the father of an illegitimate child who has acknowledged his paternity in writing or against whom paternity has been duly adjudged shall be served with notice in such manner as the court shall direct in all cases where the residence is known or can be ascertained.

(259.06) DECREE; CHANGE OF NAME. If upon the hearing the court is satisfied as to the identity and relationship of the persons concerned and that the petitioners are able to properly rear and educate the child and that the petition should be granted, a decree shall be made and recorded in the office of the clerk setting forth the facts and ordering that from the date thereof the child shall be the child of the petitioners. If desired, the court in and by the decree may change the name of the child, provided that for the purpose of information the clerk of the district court shall within 20 days after the decree is granted by the court mail a copy of the recorded decree to the director of social welfare.

(259.07) STATUS OF ADOPTED CHILD. Upon adoption such child shall become the legal child of the persons adopting him and they shall become his legal parents with all the rights and duties between them of natural parents and legitimate child. By virtue of such adoption, he shall inherit from his adopting parents or their relatives the same as though he were the legitimate child of such parents and shall not owe his natural parents or their relatives any legal duty; and, in case of his death intestate, the adopting parents and their relatives shall inherit his estate as if they had been his parents and relatives in fact.

(259.08) GROUNDS FOR ANNULMENT. If within five years after his adoption a child develops feeble-mindedness, epilepsy, insanity, or venereal infection as a result of conditions existing prior to the adoption and of which the adopting parents had no knowledge or notice, a petition setting forth such facts may be filed with the court which entered the decree of adoption and, if such facts are proved, the court may annul the adoption and commit the child to the guardianship of the director of social welfare. In every such proceeding it shall be the duty of the county attorney to represent the interests of the child.

(259.09) RECORDS OF ADOPTION; LIMITATION OF RIGHT TO INSPECT. The files and records of the court in adoption proceedings after the final determination thereof shall not be opened to inspection or copy by any person except upon an order of the court ex-

pressly permitting the same.

(259.10) CHANGE OF NAME; PROCEDURE; PENALTY. A person who shall have resided in any county for one year may apply to the district court thereof to have his name changed in the manner herein specified. He shall state in his application the name and age of his wife and each of his children, if any, and shall describe all lands in the state in or upon which he claims any interest or lien, and shall appear personally before the court and prove his identity by at least two witnesses. If he be a minor, his guardian or next of kin shall also appear. If he be under the age of 14 years, the application may be made by his guardian or next of kin. Every person who, with intent to defraud, shall make a false statement in any such application shall be guilty of a misdemeanor.

(259.11) ORDER; FILING COPIES. If it shall appear to the court to be proper, it shall grant the application and set forth in the order the name and age of his wife and each child of the applicant, if any, and shall state a description of the lands, if any, in which the applicant and said wife and children, if any, claim to have an interest. The clerk shall file such order, and record the same in the judgment book. If lands be described therein, a certified copy of the order shall be filed for record, by the clerk, with the register of deeds of each county wherein any of the same are situated. Before doing so he shall present the same to the county auditor who shall enter the change of name in his official records and note upon the instrument, over his official signature, the words "change of name recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until the applicant shall have paid to the clerk the cost of such record. The fee of the clerk shall be $2.00, and for each certified copy of the order 50 cents.

I— Trust Funds

(256.88) SOCIAL WELFARE FUND ESTABLISHED. Except as hereinafter expressly provided otherwise, all moneys and funds now or hereafter held by the director of social welfare and the county welfare boards of the several counties in trust or for the benefit of defective, illegitimate, dependent, neglected, and delinquent children or persons feeble-minded, inebriate, or insane, or other wards or beneficiaries, under any law now or hereafter in force, shall be and the same hereby are constituted and made into a single fund to be known as the "social welfare fund" which shall be deposited at interest, held, or disbursed as provided in sections 256.89 to 256.92.

(256.89) FUND DEPOSITED IN STATE TREASURY. The social welfare fund and all accretions thereto shall be deposited in the state

treasury, as a separate and distinct fund, to the credit of the director of social welfare as trustee for the beneficiaries thereof in proportion to their several interests. The state treasurer shall be responsible only to the director of social welfare for the sum total of the fund, and shall have no duties nor direct obligations toward the beneficiaries thereof individually. Subject to the regulations of the director of social welfare moneys so received by a county welfare board may be deposited by the executive secretary of the county welfare board in a local bank carrying federal deposit insurance, designated by the county welfare board for this purpose. The amount of such deposit in each such bank at any one time shall not exceed the amount protected by federal deposit insurance.

(256.90) SOCIAL WELFARE FUND; USE DISPOSITION; DEPOSITORIES. The director of social welfare and the director of public institutions at least 30 days before the first day of January and the first day of July in each year shall file with the state treasurer an estimate of the amount of the social welfare fund to be held in the treasury during the succeeding six months' period, subject to current disbursement. Such portion of the remainder thereof as may be at any time designated by the request of the director of social welfare and the director of public institutions may be invested by the state treasurer in bonds in which the permanent trust funds of the state of Minnesota may be invested, upon approval by the state board of investment. The portion of such remainder not so invested shall be placed by the treasurer at interest for the period of six months, or when directed by the director of social welfare and the director of public institutions, for the period of 12 months thereafter at the highest rate of interest obtainable in a bank, or banks, designated by the board of deposit as a suitable depository therefor. All the provisions of law relative to the designation and qualification of depositories of other state funds shall be applicable to sections 256.88 to 256.92, except as herein otherwise provided. Any bond given, or collateral assigned or both, to secure a deposit hereunder may be continuous in character to provide for the repayment of any moneys belonging to the fund theretofore or thereafter at any time deposited in such bank until its designation as such depository is revoked and the security thereof shall be not impaired by any subsequent agreement or understanding as to the rate of interest to be paid upon such deposit, or as to time for its repayment. The amount of money belonging to the fund deposited in any bank, including other state deposits, shall not at any time exceed the amount of the capital stock thereof. In the event of the closing of the bank any sum deposited therein shall immediately become due and payable.

(256.91) PURPOSES. From that part of the social welfare fund held in the state treasury subject to disbursement as provided in section 256.90 the director of social welfare at any time may pay out such amounts as

he deems proper for the support, maintenance, or other legal benefit of any of the defective, illegitimate, dependent, neglected, and delinquent children, or persons feeble-minded, inebriate, or insane, or other wards or persons entitled thereto, not exceeding in the aggregate to or for any person the principal amount previously received for the benefit of the person, together with the increase thereof from an equitable apportionment of interest realized from the social welfare fund.

When any such person dies or is finally discharged from the guardianship, care, custody, and control of the director of social welfare the amount then remaining subject to use for the benefit of such person shall be paid as soon as may be from the social welfare fund to the persons thereto entitled by law.

(256.92) DIRECTOR OF SOCIAL WELFARE SHALL KEEP ACCOUNTS. It shall be the duty of the director of social welfare and of the county welfare boards of the several counties of this state to cause to be deposited with the state treasurer all moneys and funds in their possession or under their control and designated by section 256.91 as and for the social welfare fund; and all such moneys and funds shall be so deposited in the state treasury as soon as received. The director of social welfare shall keep books of account or other records showing separately the principal amount received and deposited in the social welfare fund for the benefit of any person, together with the name of such person, and the name and address, if known to the director of social welfare, of the person from whom such money was received; and, at least once every two years, the amount of interest, if any, which the money has earned in the social welfare fund shall be apportioned thereto and posted in the books of account or records to the credit of such beneficiary.

The provisions of sections 256.88 to 256.92 shall not apply to any fund or money now or hereafter deposited or otherwise disposed of pursuant to the lawful orders, decrees, judgments, or other directions of any probate or district court having jurisdiction thereof.

J— Crimes By and Against Children

(610.08) PRESUMPTION OF RESPONSIBILITY. Save as hereinafter specified, every person is presumed to be responsible for his acts, and the burden of rebutting such presumption is upon him. Children under the age of seven years, idiots, imbeciles, lunatics, or insane persons are incapable of committing crime. Children of seven, and under 12, years of age are presumed incapable of committing crime, but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. When, in legal proceedings, it becomes necessary to determine the age of a child, he may be produced for inspection, to enable the court or jury to determine

the age thereby; and the court may also direct his examination by one or more physicians, whose opinion shall be competent evidence upon the question of his age.

(617.01) RAPE; PENALTY. Rape is an act of sexual intercourse with a female not the wife of the perpetrator, committed against her will or without her consent; every person who shall perpetrate such an act of sexual intercourse with a female of ten years or upwards, not his wife:

(1) When, through idiocy, imbecility, or any unsoundness of mind, either temporary or permanent she is incapable of giving consent;

(2) When her resistance is forcibly overcome;

(3) When her resistance is prevented by fear of immediate and great bodily harm, which she has reasonable cause to believe will be inflicted upon her;

(4) When her resistance is prevented by stupor or by weakness of mind produced by an intoxicating, narcotic, or anaesthetic agent administered by or with the privity of the defendant; or

(5) When she is at the time unconscious of the nature of the act, and this is known to the defendant—

Shall be punished by imprisonment in the state prison for not less than seven, nor more than 30, years.

(617.02) CARNAL KNOWLEDGE OF CHILDREN. Every person who shall carnally know and abuse any female child under the age of 18 years shall be punished as follows:

(1) When such child is under the age of ten years, by imprisonment in the state prison for life;

(2) When such child is ten, and under the age of 14, years, by imprisonment in the state prison for not less than seven, nor more than 30, years;

(3) When such child is 14, and under the age of 18, years, by imprisonment in the state prison for not more than seven years, or by imprisonment in the county jail for not more than one year.

(617.03) PHYSICAL ABILITY OF OFFENDER. No conviction for rape shall be had against one under the age of 14 years at the time of the alleged act, unless his physical ability to accomplish penetration is proved as an independent fact, beyond a reasonable doubt. In all cases of rape any sexual penetration, however slight, is sufficient to complete the crime.

(617.04) COMPELLING WOMAN TO MARRY. Every person who, by force, menace, or duress, shall compel a woman against her will to marry him, or to marry any other person, or to be defiled, shall be punished by imprisonment in the state prison for not less than three, nor more than 30, years, or by a fine of not more than $1,000, or by both.

(617.05) ABDUCTION; EVIDENCE; PENALTY. Every person who

(1) Shall take a female under the age of 18 years, for the purpose of prostitution or sexual intercourse, or, without the consent of her father, mother, guardian, or other person having legal charge of her person, for the purpose of marriage;

(2) Shall inveigle or entice an unmarried female under the age of 25 years, of previous chaste character, into a house of ill-fame or assignation, or elsewhere for the purpose of prostitution or sexual intercourse;

(3) Shall take or detain a woman unlawfully against her will, with intent to compel her by force, menace, or duress, to marry him or any other person, or to be defiled; or,

(4) Being parent, guardian, or other person having legal charge of the person of a female under the age of 18 years, shall consent to her taking or detention by any person for the purpose of prostitution or sexual intercourse—

Shall be guilty of abduction and punished by imprisonment in the state prison for not more than five years, or by a fine of not more than $1,000, or by both. No conviction shall be had for abduction or compulsory marriage upon the unsupported testimony of the female abducted or compelled.

(617.08) INDECENT ASSAULT. Every person who shall take any indecent liberties with or on the person of any female, not a public prostitute, without her consent expressly given, and which acts do not in law amount to rape, an attempt to commit a rape, or an assault with intent to commit rape, and every person who shall take such indecent liberties with or on the person of any female under the age of 16 years, and every person who shall take any indecent liberties with or on the person of any male under the age of 16 years, without regard to whether he or she shall consent to the same or not, or who shall persuade or induce any male or female under the age of 16 years to perform any indecent act upon his or her own body or the body of another, shall be guilty of a felony.

(617.09) SOLICITING BOY UNDER 18 TO HOUSE OF ILL-FAME. Any person who shall solicit any boy under the age of 18 years to visit a house of ill-fame or assignation for the purpose of prostitution or sexual intercourse, or shall direct or accompany such boy to any such house of ill-fame or assignation for such purpose, or shall arrange or assist in arranging any meeting for such purpose between any boy under the age of 18 years and any female of dissolute character or any inmate of any house of ill-fame or assignation, shall be guilty of a felony, and, upon conviction thereof, shall be punished by imprisonment for not less than six months, nor more than five years.

(617.10) ADMITTING OR COHABITING. Any keeper of any house of ill-fame or assignation who shall for any unlawful purpose admit to such house any boy under the age of 18 years, or any female inmate of any such house of ill-fame or assignation who shall cohabit with any boy under the age of 18 years, shall be guilty of a felony, and, upon conviction thereof, shall be punished by imprisonment for not less than 18 months, nor more than seven years.

(617.13) INCEST. When any male and female persons, nearer of kin to each other than first cousins, computing by the rules of the civil law, whether of the half or the whole blood, shall have sexual intercourse together, each shall be guilty of incest, and be punished by imprisonment in the state prison for not more than ten years.

No male or female person under the age of 18 years shall be excused from attending and testifying, or producing any evidence before any court, magistrate, referee, or grand jury, upon any investigation, proceeding or trial, for or relating to or concerned with a violation of this section or attempt to commit such violation, upon the ground that the testimony or evidence required of such person by the state may tend to convict such person of a crime or to subject such person to a penalty or forfeiture; but no such person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which such person may so testify or produce evidence, and no testimony so given or produced shall be received against such person upon any criminal investigation, proceeding or trial, except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony.

(617.17) ABSCONDING BY FATHER TO EVADE PROCEEDINGS ESTABLISHING PATERNITY. If issue is conceived of fornication, and within the period of gestation or within 60 days after the birth of a living child the father absconds from the state with intent to evade proceedings to establish his paternity of such child, he is guilty of a felony and shall be punished by imprisonment in the state prison for not more than two years.

(617.18) ABORTION, HOW PUNISHED. Every person who, with intent thereby to produce the miscarriage of a woman, unless the same is necessary to preserve her life, or that of the child with which she is pregnant, shall—

(1) prescribe, supply, or administer to a woman, whether pregnant or not, or advise or cause her to take, any medicine, drug, or substance; or

(2) use, or cause to be used, any instrument or other means—

Shall be guilty of abortion and punished by imprisonment in the

state prison for not more than four years or in a county jail for not more than one year.

(617.19) PREGNANT WOMAN ATTEMPTING ABORTION. A pregnant woman who takes any medicine, drug, or substance, or uses or submits to the use of any instrument or other means, with intent thereby to produce her own miscarriage, unless the same is necessary to preserve her life, or that of the child whereof she is pregnant, shall be punished by imprisonment in the state prison for not less than one year nor more than four years.

(617.20) DRUGS TO PRODUCE MISCARRIAGE. Whoever shall manufacture, give, or sell an instrument, drug, or medicine, or any other substance, with intent that the same may be unlawfully used in producing the miscarriage of a woman, shall be guilty of a felony.

(617.21) EVIDENCE. In any prosecution for abortion or attempting abortion, no person shall be excused from testifying as a witness on the ground that his testimony would tend to criminate himself.

(617.22) CONCEALING BIRTH; SECOND OFFENSE. Every person who shall endeavor to conceal the birth of a child by any disposition of its dead body, whether the child died before or after its birth, shall be guilty of a misdemeanor; and every woman who, having been convicted of endeavoring to conceal the still-birth of any issue of her body, which if born alive would be illegitimate, or the death of such issue under the age of two years, shall, subsequent to such conviction, endeavor to conceal any such birth or death, shall be punished by imprisonment in the state prison for not more than five years.

(617.49) NOT TO ADMIT CERTAIN PERSONS. No person to whom a permit has been issued shall permit to be or remain in any public dancing place any intoxicated person, any prostitute, any person of known immorality, or any unmarried person under the age of 16 years, unless such person is accompanied by a parent or guardian, nor any unmarried person more than 16, and under the age of 18, years unless such person is accompanied by a parent or guardian or presents the written consent of his parent or guardian to the officer in charge of such dance, and every such written permit shall be retained by such officer.

(617.55) DESERTION OF CHILD OR PREGNANT WIFE. Every parent, including the duly adjudged father of an illegitimate child and a father who in an action for divorce or separate maintenance has been judicially deprived of the actual custody of his child, or other person having legal responsibility for the care or support of a child who is under the age of 16 years and unable to support himself by lawful employ-

ment, who fails to care for and support such child with intent wholly to abandon and avoid such legal responsibility for the care and support of such child; and every husband who, without lawful excuse, deserts and fails to support his wife, while pregnant, with intent wholly to abandon her, is guilty of a felony; and, upon conviction, shall be punished therefor by imprisonment in the state prison for not more than five years. Desertion of and failure to support a child or pregnant wife for a period of three months shall be presumptive evidence of intention wholly to abandon or to avoid legal responsibility for the care and support of the child.

(617.56) FAILURE TO SUPPORT WIFE OR CHILD. Every man who, without lawful excuse, wilfully fails to furnish proper food, shelter, clothing, or medical attendance to his wife, such wife being in destitute circumstances; and every person having legal responsibility for the care or support of a child who is under 16 years of age and unable to support himself by lawful employment, who wilfully fails to make proper provision for such child, is guilty of a misdemeanor. If any person convicted under this section gives bond to the state, in such amount and with such sureties as the court prescribes and approves, conditioned to furnish the wife or child with proper food, shelter, clothing, and medical attendance for such a period, not exceeding five years, as the court may order, judgment shall be suspended until some condition of the bond is violated. The bond may, in the discretion of the court, be conditioned upon the payment of a specified sum of money at stated intervals. Upon the filing of an affidavit showing the violation of any of the conditions of the bond, the accused shall be heard upon an order to show cause and, if the charge be sustained, the judgment shall be executed. The wife or child, and any person furnishing necessary food, shelter, clothing, or medical attendance to either, may sue upon the bond for a breach of any condition thereof.

(617.57) PROSECUTION. On complaint being made in writing and under oath by the wife or by an official or member of the governing body of the town, village, city, or county wherein such wife is a resident, or by any reputable person to a justice of the peace or judge of a municipal court, accusing any person of the offense defined in section 617.56, the justice or judge shall issue his warrant against the person accused, directed to the sheriff or constable of the county, commanding him forthwith, to bring the accused person before the justice or judge to answer such complaint.

(617.58) PROOF OF RELATIONSHIP. In any prosecution for desertion of, or failure to support, a wife or child no other or greater evidence shall be required to prove the relationship of the defendant to such wife or

child than is or shall be required to prove such relationship in a civil action.

(617.59) ENDANGERING LIFE, HEALTH, OR MORALS OF MINORS. Every person having the care or custody of a minor who shall:

(1) Wilfully cause or permit his life to be endangered, his health to be injured, or his morals to become depraved; or

(2) Wilfully cause or permit such minor to be placed in a situation, or to engage in an occupation, which will be likely to endanger his life, injure his health, or impair his morals—

Shall be guilty of a gross misdemeanor.

(617.60) KEEPERS OF PUBLIC PLACES TO EXCLUDE MINORS. Whoever permits any person under the age of 21 years to be or remain in any dancehouse, concert saloon, place where intoxicating liquors are sold or given away, or any place of entertainment injurious to the morals, owned, kept, or managed by him, in whole or in part, or shall permit any person under the age of 21 years to play any game of skill or chance in any such place, shall be guilty of a misdemeanor and be punished by a fine of not less than $25.00.

(617.61) MINORS; GAMING BY PROHIBITED, WHERE; HOW PUNISHED. All persons under the age of 21 years are prohibited from playing pool or billiards or cards in any saloon or room connected therewith or in any restaurant or public place of amusement in which tobacco, confectionery, or drinks of any kind, except water, are in any manner disposed of; and every keeper or person in charge of any such place who shall permit or suffer any person under the age of 21 years to play pool, billiards, or cards therein shall be guilty of a misdemeanor and be punished by a fine of not less than $25.00 or by imprisonment in the county jail for not exceeding 30 days.

(617.62) RESTRICTIONS ON MINORS IN PLACES OF AMUSEMENT. Any person under the age of 18 years or who is a minor pupil in any school, college, or university is prohibited from playing pool or billiards in any public pool or billiard room or in any public place of business, unless accompanied by his parent or guardian, and any person under the age of 18 years or who is a minor pupil in any school, college, or university who shall engage in any game of pool or billiards in any such place, or frequent or loiter within any pool or billiard room, or any public place of business where pool or billiards are played, unless accompanied by his parent or guardian, shall be guilty of a misdemeanor and punished by a fine of not exceeding $10.00.

(617.63) KEEPERS OF PUBLIC PLACES TO EXCLUDE; PENALTY. Every keeper or person in charge of any pool or billiard room, or public place of business where pool or billiards are played, who shall permit or allow any person under the age of 18 years or any minor pupil of any school, college, or university to play any of these games therein, or to gather in, loiter, or frequent any such place unless accompanied by his parent or guardian, shall be guilty of a misdemeanor and punished by a fine of not less than $25.00 or by imprisonment in the county jail for not exceeding 30 days.

(617.64) USE OF TOBACCO BY MINORS. Every person under the age of 18 years, and every minor pupil in any school, college, or university, who shall smoke or use cigarettes, cigars, or tobacco in any form on any public road, street, alley, park, or other lands used for public purposes, or in any public place of business, shall be guilty of a misdemeanor, and punished for each offense by a fine of not more than $10.00, or by imprisonment in the county jail for not more than five days; and every person who shall furnish any cigarettes, cigars, or tobacco in any form to any such minor person, or who shall permit any such minor person to frequent any premises owned, held, or managed by him, for the purpose of indulging in the use of cigarettes, cigars, or tobacco in any form, shall be guilty of a misdemeanor, and punished by a fine of not more than $50.00, or by imprisonment in the county jail for not exceeding 30 days, for each offense.

(617.65) MINORS; SALE OF TOBACCO TO. Any person within this state who sells, gives to, or in any way furnishes any cigarettes, cigars, or tobacco in any form to any person under 18 years of age, or to any minor pupil in any school, college, or university, shall be punished by a fine of not to exceed $50.00, or by imprisonment in the county jail for not to exceed 30 days, for each offense.

(617.66) USE OF TOBACCO IN PUBLIC PLACE; ARREST; PENALTY; EVIDENCE. Any person under 18 years of age, any minor pupil, as described in section 617.65, who shall smoke or use cigarettes, cigars, or tobacco in any form on any public highway, street, alley, park, or other lands used for public purposes, or in any public place of business, shall be arrested by an officer of the law, who may be cognizant of such offense; and it shall be the duty of all such officers, upon complaint of one citizen, to arrest such offenders and take them before the proper court. The court shall impose a punishment at its discretion in the sum of not to exceed $10.00, or imprisonment in the county jail for not to exceed five days, for each offense; provided, if such minor person shall give information which may lead to the arrest of the person violating section 617.65, in giving or selling to, or in any way furnishing such

minor person tobacco, and shall give evidence as a witness in such proceedings against the party or parties, the court shall have power to suspend sentence against such minor person.

(617.67) HARBORING. Any person who harbors or grants to persons under 18 years of age, or to minor pupils, as described in section 617.65, privilege of gathering upon or frequenting any property or lands held by him, for the purpose of indulging in the use of cigarettes, cigars, or tobacco in any form, shall be held in the same penalty as provided for in section 617.65; provided, that no part of sections 617.65 to 617.68 shall be so construed as to interfere with the rights of parents or lawful guardians in the rearing and management of their minor heirs or wards, within the bounds of their own private premises.

(617.68) POWERS OF GRAND JURY. Grand juries shall have inquisitorial powers over offenses committed under sections 617.65 to 617.67.

(617.69) LIQUORS IN SCHOOLHOUSES OR GROUNDS. Any person who shall introduce upon, or have in his possession upon, or in, any school ground, or any schoolhouse or school building, any spirituous or malt liquors, except for experiments in laboratories, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of $25.00, or imprisonment for ten days in the county jail.

(617.70) SALE OF LIQUOR WITHIN ONE MILE OF CERTAIN INSTITUTIONS. Any person who shall sell any intoxicating liquor, or maintain a drinking place, within one mile of the university farm of the school of agriculture of the University of Minnesota, located in Ramsey county, Minnesota, on section 21, township 29, range 23 west, or shall aid or abet another in either of such acts, shall be guilty of a gross misdemeanor, and shall be punished, for the first offense, by a fine of not more than $100, or by imprisonment for not less than 60, nor more than 90, days; for each subsequent offense, by a fine of not less than $500, nor more than $1,000, or by imprisonment in the county jail for not less than six months, nor more than one year, or by both.

(617.71) SALE OF LIQUOR OR CIGARETTES WITHIN 1,000 FEET OF CERTAIN INSTITUTIONS. Any person who shall sell or dispose of any intoxicating liquor or cigarettes at retail, or who shall maintain or assist in maintaining any place where such articles or subjects of commerce are kept for sale or disposal, and any person who shall maintain any pool or billiard room or bowling alley, or any place of amusement where persons are permitted to assemble or loiter within 1,000 feet of any of the following named state institutions: The St. Peter state hospital for the insane, the Rochester state hospital for the

insane, the Fergus Falls state hospital for the insane, the first state asylum for the insane at Anoka, the second state asylum for the insane at Hastings, the state training school at Red Wing, the Minnesota home school for girls at Sauk Centre, the state reformatory at St. Cloud, the state prison at Stillwater, the state public school at Owatonna, the state sanatorium for consumptives at Walker, the hospital for crippled and deformed children at St. Paul, and the state hospital for inebriates at Willmar, shall be guilty of a gross misdemeanor; provided, that the provisions of this section shall not apply to any manufacturer of intoxicating liquors or drug store whose place of manufacture or business is at the time of the passage of this section located within 1,000 feet of any of the institutions herein named or the grounds thereof; provided, further, that the provisions of this section shall not apply to any person lawfully licensed to sell intoxicating liquors, nor to the premises so licensed, located at the time of the passage of this section within 1,000 feet of any of the institutions herein named and the grounds and premises thereof. No license for the doing of any of the things herein prohibited shall be granted by the governing body of any town, county, or municipality.

(617.715) PEDDLING AND CANVASSING PROHIBITED ON SCHOOL GROUNDS; PENALTY. No person shall offer for sale, sell, or peddle any goods, wares, books, newspapers, magazines, or merchandise, insurance, course of instruction, or any other thing whatsoever, or canvas or take orders therefor, or solicit the endorsement of any goods, wares, books, newspapers, magazines, merchandise, insurance, or course of instruction, or other thing, or loiter for any of the purposes hereinbefore referred to in any public school building or upon any public school grounds not located within the limits of any city, village, or borough, whether or not such person has a license to offer for sale, sell, solicit, or canvass for such goods, wares, books, newspapers, magazines, merchandise, insurance, course of instruction, or any other thing; provided, this section shall not be construed as prohibiting the soliciting of or taking of such orders from, or making such sale to the school board or any member thereof, the board of education or any member thereof, or the superintendent of schools.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

(617.72) DISTRIBUTION OF CRIME LITERATURE AMONG MINORS. Subdivision 1. **Prohibited.** No person shall sell, lend, give away, show, advertise, or otherwise offer for loan, gift, sale, or distribution to any minor under the age of 18 years, any book, pamphlet, magazine, newspaper, or other printed paper devoted to the publication or largely made up of criminal news, police reports, accounts of criminal deeds, or pictures or stories of deeds of bloodshed, lust, or crime; nor

shall any person hire, use, or employ a minor under the age of 18 years to sell or give away, or in any manner distribute, or permit any such minor in his custody or control to sell, give away, or in any manner distribute, any material herein described.

Subdivision 2. **Penalty.** Any person who violates any provision of this section is guilty of a misdemeanor.

(617.73) CRUELTY TO CHILDREN. Every person who shall torture, torment, or cruelly or unlawfully punish any child under the age of 18 years, or who shall commit any act of cruelty toward such child, shall be guilty of a misdemeanor.

(617.74) UNLAWFUL CONFINEMENT OF FEEBLE-MINDED PERSONS; PENALTY. Every person who shall confine a lunatic, insane or feeble-minded person in any other manner or in any other place than is authorized by law, or who shall be guilty of harsh, cruel, or unkind treatment of, or neglect of duty toward, any feeble-minded person, lunatic, or insane person under confinement, whether lawfully or unlawfully confined, shall be guilty of a misdemeanor.

(617.75) HABITUAL OFFENDERS IN CERTAIN CASES. Subdivision 1. **Habitual offenders.** Every person who shall hereafter be guilty of being a vagrant or of unlawfully selling, giving to another, or using any drug or narcotic, or of any unlawful, lewd, or lascivious behavior or public indecency, or of any criminal offense against women or children, as defined in section 617.55 or 617.56, or of any misdemeanor or gross misdemeanor involving moral turpitude, who within the previous period of five years shall have been twice convicted in this state of one or more of the offenses hereinbefore named, shall be guilty of being an habitual offender.

Subdivision 2. **Penalty.** Such person shall be punished for such third offense, if a woman, by imprisonment in the state reformatory for women, and, if a man between the ages of 18 and 30 years, by imprisonment in the state reformatory at St. Cloud, and, if a man above the age of 30 years, by imprisonment in the state prison at Stillwater, for a term of not exceeding three years.

Subdivision 3. **Evidence.** A duly certified copy of the record of a conviction and judgment of any court in this state against the person indicted or complained of shall be prima facie evidence of such former conviction, and may be used in evidence against such person.

Subdivision 4. **Prisoners subject to parole.** Any person so committed to the state reformatory for women, or the state reformatory at St. Cloud, or the state prison at Stillwater, shall be subject, except as

herein otherwise provided, to parole and discharge by the state board of parole, as in the case of other persons subject to parole and discharge by that board.

Subdivision 5. **Examination as to disease.** No person convicted hereunder shall be paroled or discharged until he shall have been first examined by a licensed physician and, if it appears that such person has a venereal or other infectious disease, the board of parole, in granting a parole or discharge, shall include in the conditions of the parole or discharge a condition requiring suitable medical treatment of such person by a duly licensed physician under supervision of the state board of health.

(619.16) KILLING OF UNBORN CHILD OR MOTHER. Every person who shall wilfully kill an unborn quick child by an injury inflicted upon the person of its mother, and every person who shall provide, supply, or administer to a woman, whether pregnant or not, or who shall prescribe for, advise, or procure a woman to take any medicine, drug, or substance, or who shall use or employ, or cause to be used or employed, any instrument or other means, with intent thereby to procure the miscarriage of a woman, unless the same is necessary to preserve her life, or that of the child with which she is pregnant, and the death of the woman, or that of any quick child of which she is pregnant, is thereby produced, shall be guilty of manslaughter in the first degree.

(619.17) MANSLAUGHTER IN FIRST DEGREE; PENALTY. Manslaughter in the first degree shall be punished by imprisonment in the state prison for not less than five, nor more than 20, years.

(619.34) KIDNAPPING, HOW PUNISHED. Every person who shall wilfully:

(1) Seize, confine, or inveigle another, with intent to cause him, without authority of law, to be secretly confined or imprisoned within the state, or sent out of it, to be sold as a slave, or in any way held to service, or kept or detained against his will;

(2) Lead, take, entice, or detain a child under the age of 16 years, with intent to keep or conceal him from his parents, guardian, or other person having lawful care or control of him, or to extort or obtain money or reward for his return or disposition, or with intent to steal any article from his person; or

(3) Abduct, entice, or, by force or fraud, unlawfully take or carry away another, at or from a place without the state, or procure, advise, aid, or abet such abduction, enticing, taking, or carrying away, and shall afterwards send, bring, or keep such person, or cause him to be kept or secreted, within this state—

Shall be guilty of kidnapping and punished by imprisonment in the state prison for not more than 40 years.

PART VIII

HOSPITALIZATION FOR INDIGENTS AND OTHERS UNABLE FINANCIALLY TO SECURE HOSPITAL CARE

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PART VIII
HOSPITALIZATION FOR INDIGENTS AND OTHERS UNABLE FINANCIALLY TO SECURE HOSPITAL CARE

A— Hospitalization for Indigents

(261.21) COUNTY BOARD TO PROVIDE HOSPITALIZATION FOR INDIGENT PERSONS. The county board of any county in this state is hereby authorized to provide for the hospitalization in hospitals within the county or elsewhere within the state of indigent residents of such county who are afflicted with a malady, injury, deformity, or ailment of a nature which can probably be remedied by hospitalization and who are unable financially to secure and pay for such hospitalization or, in the case of a minor, whose parent, guardian, trustee, or other person having lawful custody of his person, as the case may be, is unable to secure or provide such hospitalization.

(261.22) APPLICATION TO BE FILED. Subdivision 1. **Duties of officials.** When the existence of a case described in section 261.21 shall come to the notice of the sheriff, town clerk, health officer, public health nurse, peace officer, public official, or physician or surgeon it shall be his duty to, and any other person may, file with the auditor of the county of the residence of such indigent person requiring care an application for the hospitalization of such indigent person. Such application shall be made in such form as the county board of such county may prescribe, and shall contain the name, age, residence, and physical condition of the person sought to be hospitalized and shall contain also a full statement of his financial situation and of the persons, if any, legally charged with his care and support and such application shall be verified. The county board shall make a careful investigation of the matter in such manner as it shall deem advisable and expedient and it shall be the duty of any public official of any county, city, village, or town of the residence of the person sought to be hospitalized to supply the county board on a request therefor all the information within his knowledge relative to the financial condition of the person sought to be hospitalized and of all persons, if any there be, who are legally liable for the support of such person. If after such investigation the county board shall be satisfied that the person on whose behalf the application is made is not financially able to provide himself with such hospitalization or in case of a minor, his parents, guardians, trustee, or other person having legal custody over him or legally responsible for his support and maintenance is not financially able to provide such hospitalization, then said county board shall direct

the county physician or some other physician to make an examination of the person on whose behalf such application was made. Such physician shall make and file with the county board a verified report in writing setting forth the nature and history of the case and such other information as will likely aid in the medical and surgical treatment, of the disease, malady, injury, deformity, or ailment affecting such person, and shall state in such report his opinion whether or not the condition of such person can probably be remedied at a hospital. Such report shall be made in duplicate, one copy of which shall be filed with the county auditor and the other shall be transmitted to the hospital at which such afflicted person is hospitalized; such report shall also give any information the examining physician shall have or acquire relative to the financial ability of the afflicted person to pay for the hospitalization and treatment of his disease, malady, injury, deformity, or ailment, together with any other information such physician may deem helpful to the county board or the physician attending him.

Subdivision 2. **Duties of county board.** If upon filing of such report and a full investigation of the application the county board shall be satisfied that the case is one which could be remedied by hospital treatment and that such afflicted person is financially unable to secure or provide the same for himself and that the persons legally charged with the support and maintenance of such person, if any there be, are financially unable to provide such hospitalization, the county board may grant or approve said application. If the county board is not so satisfied, it may take additional testimony or make such further investigation as it shall deem proper and it shall reject any application if it finds that the facts do not merit the expenditure of public money for the relief of such afflicted person. Upon the approving and granting such application and the relief therein prayed for, the chairman of such county board shall arrange for the hospitalization of such afflicted person. If the county board shall find that the applicant or the person legally responsible for his support and maintenance is not able to pay in full but is able to pay in part for such hospitalization at such hospital, the county board may approve such application of such afflicted person on such terms of division of hospital charges and costs as it may deem equitable and just. The county board shall provide for taking such afflicted person to the hospital. When a physician certifies that an emergency exists in any case and that he believes that the person suffering is unable to pay for hospitalization such person shall be admitted to any such hospital upon the order of the chairman of the county board or upon the order of the county commissioner of the district in which such alleged indigent person resides; and thereafter an investigation shall be made in the manner hereinbefore provided. When a physician certifies in a case of an injury (or an emergency) that immediate surgical or medical treatment is necessary,

the patient shall forthwith be admitted to any such hospital upon said certificate for a period not to exceed 72 hours; and thereafter an investigation shall be certified and made in the manner provided in sections 261.21 to 261.23.

(261.23) COSTS OF HOSPITALIZATION. The costs of hospitalization of such indigent persons exclusive of medical and surgical care and treatment shall not exceed in amount the full rates fixed and charged by the Minnesota general hospital under the provisions of sections 158.01 to 158.11 for the hospitalization of such indigent patients. The cost of the hospitalization of indigent persons under the provisions of sections 261.21 to 261.23 shall be paid by the county of the residence of such indigent persons at such times as may be provided for in such contract; and in case of an injury or emergency requiring immediate surgical or medical treatment, for a period not to exceed 72 hours, the cost shall be paid by the county from which such patient, if indigent, is certified. If the county of residence of the patient is not the county in which the patient has legal settlement for the purposes of poor relief, then the county of residence may seek reimbursement from the county in which the patient has settlement for the purposes of poor relief for all costs it has necessarily incurred and paid in connection with the hospitalization of said patient.

(261.231) COUNTY BOARD MAY DELEGATE CERTAIN POWERS. The county board of any county in this state is hereby authorized to delegate to the county welfare board of such county all the rights, powers, and duties conferred upon it by Laws 1941, Chapter 473, with reference to the hospitalization of indigent persons.

B— Hospitalization at University of Minnesota Hospitals

(158.01) ESTABLISHED. The hospitals now and hereafter established in connection with the medical school of the University of Minnesota shall be known as the University of Minnesota hospitals. The student infirmary, the university dispensary, and the Elliot Memorial building shall be parts of the University of Minnesota hospitals.

(158.02) WHAT PATIENTS MAY BE TREATED; RESEARCH WORK. The University of Minnesota hospitals shall be primarily and principally designed for the care of legal residents of Minnesota who are afflicted with a malady, deformity, or ailment of a nature which can probably be remedied by hospital service and treatment and who are unable, financially, to secure such care; or, in case of a minor, whose parent, guardian, trustee, or other person having lawful custody of his person, as the case may be, is unable financially to secure such care. The University of Minnesota hospitals are hereby designated as places of treat-

ment for such persons.

The hospitals shall be utilized for such instruction and for such scientific research as will promote the welfare of the patients committed to their care and assist in the application of science to the alleviation of human suffering.

(158.03) OFFICERS TO REPORT CASES NEEDING HOSPITAL CARE. When the existence of a case described in section 158.02 shall come to the notice of the sheriff, town clerk, health officer, public health nurse, policeman, or any other public official, or any physician or surgeon, it shall be his duty to, and any other person may, file with the board of county commissioners of the county of the residence of such person an application for the treatment of such person at the University of Minnesota hospitals.

Such application shall be made in duplicate on blanks to be furnished by the University of Minnesota hospitals and contain a full statement of the financial situation of the person sought to be treated and a general statement of his physical condition and shall be verified. Upon the filing of such application, the board of county commissioners shall make investigation in such manner as it shall deem advisable, and it shall be the duty of any public official of any county, city, town, village, or ward of the residence of the person sought to be treated to supply to the county board, on request thereof, all information within his knowledge relative to the financial situation of the person sought to be treated. If, after such investigation, the county board shall be satisfied that the person on whose behalf the application is made is not financially able to provide himself with such treatment; or, in case of a minor, that his parent, guardian, or trustee, in representative capacity, or the person having legal custody over him or legally responsible for his support or maintenance, is not financially able to provide such treatment, then the county board shall appoint a physician of the county whose duty shall be personally to make an examination of the person on whose behalf the application for treatment has been filed. The physician shall thereupon make and file with the county board a verified report in writing setting forth the nature and history of the case and such other information as will be likely to aid in the medical or surgical treatment of the disease, malady, deformity, or ailment affecting the person and state in the report whether or not in his opinion the condition of such person can probably be remedied at a hospital. The report of the physician shall be made in duplicate within such time as the county board may direct upon blanks to be furnished by the University of Minnesota hospitals for that purpose. The report shall include any information within the knowledge of the physician relative to the financial situation of the person proposed to be treated. The physician appointed to make the examination, unless he is already a salaried officer of the state or some division thereof, shall

receive $5.00 for making the examination and, in any case, his actual and necessary expenses; which fee and expenses shall be paid by the county of residence of the patient; and it shall be the duty of the board of county commissioners to provide for such payment.

If, upon filing of the report, the county board shall be satisfied that the case is one which should be treated at the University of Minnesota hospitals and that the person to be treated, or his parent, guardian, trustee, or other person having legal custody of his person, in case of a minor, is not financially able to provide such person with proper treatment, the county board shall enter an order finding such facts. In case the county board is not so satisfied, it may take additional testimony or make such further investigation as to it shall seem proper. The county board may reject any application which is found to be without sufficient merit. Upon the entry of the order of the county board approving the application, it shall communicate with the superintendent of the University of Minnesota hospitals and ascertain whether or not the applicant can be received as a patient. If the University of Minnesota hospitals can receive such applicant, the county board shall thereupon certify its approval of the application to the hospitals. One copy of the application and the phyisician's report shall be sent to the superintendent of the hospitals.

If the county board should find that an applicant or the person legally responsible for him is able to pay, in part but not in full, for care at the University of Minnesota hospitals at the rate to be charged as determined in section 158.05, the county board may approve the application of the patient on such terms of division of hospital charges as it may deem equitable and just.

(158.04) TRANSPORTATION OF PATIENTS; PAYMENT FOR BY COUNTY. Upon approval of such application, if the patient is unable to travel alone, the board of county commissioners may appoint a suitable official or person to take the patient to the University of Minnesota hospitals and such person shall receive his actual and necessary expenses; and, if not a salaried officer of the state, or any subdivision thereof, shall receive $3.00 per day for the time actually and necessarily consumed in transporting the patient to the hospital and returning. The traveling expenses of the patient, the per diem and expenses of the person appointed to accompany him, and one-half of the expense charged against the patient while an inmate of the hospital shall be paid by the county of residence of the patient and it shall be the duty of the board of county commissioners to provide for such payment.

If the county of residence of the patient is not the county in which the patient has legal settlement for the purposes of poor relief, then the county of residence may seek reimbursement from the county in which the patient has settlement for the purposes of poor relief for all costs it has necessarily incurred and paid in connection with the hospitalization

of said patient.

(158.05) ACTUAL COST TO BE CHARGED PATIENTS. The University of Minnesota hospitals shall treat patients admitted on certificate of the board of county commissioners of any county at rates based on actual cost, as determined by the board of regents of the University of Minnesota. Any resident of the state, upon a proper showing to the board of regents of the University of Minnesota that he is unable to pay ordinary physician's fees and hospital charges, may be received upon paying the same rate as charged for county patients. It shall be the duty of the board of regents to investigate applications made for such treatment under this section; and, if satisfied of the truth of the allegations made and of the necessity for treatment, the board of regents shall admit such patients when there is room in the hospitals.

Students of the University of Minnesota and such other patients as the board of regents, to an extent that will not interfere with the primary purpose of the hospitals, as set forth in section 158.02, may direct, may be received in the hospitals when there is room and any fees received from such patients shall be used for the purposes of the hospitals.

(158.06) PHYSICIANS AND ATTENDANTS NOT TO CHARGE FOR SERVICES. No compensation shall be charged or received by any officer of the University of Minnesota hospitals, or by any physician, surgeon, or nurse in their employment, who shall treat or care for any patient in the hospitals, other than the compensation provided for such persons by the board of regents of the University of Minnesota.

(158.07) QUARTERLY REPORT BY BOARD OF REGENTS. The board of regents of the University of Minnesota shall file a verified quarterly report with the state auditor containing an itemized statement of the expense charged against each patient received on certification of any board of county commissioners, together with the name of the county from which the patient was certified, and a statement of any sums paid by the patient, or by any person in his behalf.

(158.08) EXPENSES PAID BY COUNTIES. The state auditor shall audit the quarterly reports submitted by the board of regents and draw his draft for the proper amount against each county from which expense charges are due and deliver it to the treasurer for collection. The treasurer shall notify the auditor of each county against whom a draft has been issued of the amount due. Upon receipt of such notice the county auditor shall issue his warrant on the poor fund for the amount due, except that in any county now or hereafter caring for the poor under a county poor commission, the notice shall be given to the county poor commission, which shall issue its warrant on the poor fund of the county

for the amount due. The warrant shall be delivered to the county treasurer, who shall, if funds are available, issue his check payable to the state treasurer for the amount of the warrant. If no funds are available in the poor fund for the payment of the warrant, it shall be registered. The check or registered warrant shall be mailed to the state treasurer. All payments hereunder shall be credited to the revenue fund.

(158.09) COUNTY BOARD MAY ACT UPON APPLICATIONS FOR TREATMENT IN THE UNIVERSITY OF MINNESOTA HOSPITALS. The several boards of county commissioners in the state and any members of such a board may receive, investigate, and act upon applications for treatment in the University of Minnesota hospitals.

(158.091) COUNTY BOARD MAY DELEGATE CERTAIN POWERS TO THE COUNTY WELFARE BOARD. The county board and the several members thereof of any county in this state are hereby authorized to delegate to the county welfare board of each county all the rights, powers, and duties conferred upon it and them by sections 158.01 to 158.12, with reference to the hospitalization of indigent persons.

(158.10) DISCHARGE FROM HOSPITALS. When, in the opinion of the superintendent of the University of Minnesota hospitals, any patient should be discharged therefrom as cured, or as no longer needing treatment, or for the reason that treatment cannot benefit his case, the superintendent shall discharge the patient. If the patient is a county patient and is unable to return to his place of residence alone, the superintendent shall appoint some suitable person to accompany the patient from the hospital to his place of residence. Such person shall receive his actual and necessary expenses; and, if not a salaried officer of the state, or any political subdivision thereof, shall receive in addition $3.00 per day for the actual time necessarily consumed. The traveling expenses of all county patients and the per diem and expenses of the person appointed to accompany the patient shall be part of the legitimate expenses of caring for such patients in the University of Minnesota hospitals, and as such included by the superintendent in his monthly bill to the state auditor, provided for in section 158.07.

(158.11) INMATES OF STATE INSTITUTIONS MAY BE ADMITTED. The director of public institutions may make application to the board of regents of the University of Minnesota for the admission to the University of Minnesota hospitals of any inmate of any state institution under the director of public institutions, or any person committed to or applying for admission thereto, who is afflicted with any disease, malady, deformity, or ailment which can probably be remedied, or which can be advantageously treated by proper medical or surgical

care at the University of Minnesota hospitals. The application shall be accompanied by the report of the physician of the institution or by a physician appointed by the director of public institutions in the same form as reports of other physicians for admission of patients to the hospitals. The superintendent of the University of Minnesota hospitals shall decide whether the patient may be received by the hospitals; and, if received, when he shall be discharged or returned to the institution from which he came. The director of public institutions shall pay the board of regents of the University of Minnesota for the treatment of such patients at the same rate charged for county patients and the expense of such treatment and of transporting the patient to and from the University of Minnesota hospitals shall be paid out of the appropriation for operation of the institution from which the patient is sent. The director of public institutions may when necessary send an attendant with, or bring back, the patient and pay for traveling expenses in like manner.

(158.12) COOPERATION WITH OTHER HOSPITALS. The University of Minnesota hospitals shall, upon request of proper authorities, cooperate with any county hospital or sanatorium established under existing statutes or any hospital supported, in whole or in part, by public funds. The superintendent of the University of Minnesota hospitals shall, upon request, advise the county commissioners, or others in control of such existing or proposed county or other hospital or sanatorium, in regard to the survey of the hospital needs of the county and in regard to location, buildings, equipment, or other matters pertaining to hospitals. It shall be the duty of the members of the staff of the hospitals, on request, to assist or advise, so far as circumstances permit, such county or other hospital or sanatorium in the medical or surgical care of patients, in X-ray and laboratory diagnosis or in any other matter contributing to the efficiency of such hospital or sanatorium and, so far as possible, to furnish internes and other personnel.

No employee of the University of Minnesota shall receive any compensation for such advice or service other than that paid him by the board of regents, except that actual expenses incurred in rendering such advice or service may be paid.

(158.13) PSYCHOPATHIC DEPARTMENT OF UNIVERSITY OF MINNESOTA HOSPITALS. An institution to be known as the psychopathic department of the University of Minnesota hospitals is hereby established. It shall be erected, equipped, maintained, and administered for the care, observation, study, and treatment of defective persons, as defined in existing statutes, and of such other persons as are afflicted or supposed to be afflicted with any other abnormal mental condition. It may conduct an out-patient service for the diagnosis, care, and treatment of cases less pronounced in type than those thought proper for hospital

residence. It may conduct clinics, investigate conditions, or conduct educational work in regard to mental disease and mental hygiene in any part of the state. Persons who are addicted to the use of habit-forming drugs shall be proper patients for admission to and treatment in the psychopathic department.

(158.14) DUTIES OF DEPARTMENT. The psychopathic department, in all matters relating to the commitment, custody, guardianship, care, and control of defective persons, shall be governed by the statutes pertaining to such persons and all powers granted by law to the director of public institutions and the director of social welfare in regard to such persons shall apply to them in the hospital, subject to the provisions contained in sections 158.15 to 158.19.

(158.15) SHALL BE PART OF UNIVERSITY OF MINNESOTA HOSPITALS. The psychopathic department shall be a part of the University of Minnesota hospitals system and under the same organization and administration.

(158.16) BOARD OF REGENTS TO APPOINT MEDICAL DIRECTOR. The board of regents of the University of Minnesota shall appoint a medical director of the psychopathic department and such other officers and employees as may be necessary for its proper conduct.

(158.17) DUTIES OF MEDICAL DIRECTOR. The medical director shall supervise and direct the medical care and treatment of all patients in the psychopathic department; carry on and direct investigations into the nature, causes, and cure of abnormal mental conditions; ask for, and be entitled to receive, the cooperation of all experts in the employ of the University of Minnesota, such as physicians, surgeons, pathologists, psychologists, sociologists, and X-ray specialists; seek to bring about systematic cooperation between the psychopathic department and all state institutions under the jurisdiction of the director of public institutions, so far as these institutions may have in their custody defective persons or persons afflicted or supposed to be afflicted with any other abnormal mental condition; visit from time to time these institutions upon request of the respective superintendents thereof or upon request of the director of public institutions and the director of social welfare; and may advise the medical officers of these institutions, or the director of public institutions and director of social welfare, or any court, on request, in subjects relating to abnormal mental conditions.

(158.18) WHO MAY BE SENT TO DEPARTMENT. Any defective person may be sent to, committed to, or received by, the psychopathic department in the same manner and form and for the same causes as such

person would be sent to, committed to, or received by, any institution under the director of public institutions. It shall be in the discretion of any court acting in accordance with existing statute, or in the discretion of the director of public institutions, to send any person to the psychopathic department instead of some other institution to which such person would be sent under existing statute. The psychopathic department is designated as a place of temporary detention to which, under existing statute, any probate judge may send defective persons for temporary detention. The director of public institutions shall have authority to transfer any patient or inmate from any institution under his control to the psychopathic department for observation and treatment or for medical and surgical care and treatment under the staff of the University of Minnesota hospitals.

Persons not defective but who are afflicted or supposed to be afflicted with any abnormal condition may be admitted to the psychopathic department under such rules as the board of regents may adopt.

In every case the consent of the superintendent of the University of Minnesota hospitals shall be obtained before any patient is sent to, transferred to, or received by, the psychopathic department.

(158.19) DISCHARGE; TRANSFER. When, in the judgment of the superintendent of the University of Minnesota hospitals any defective in the psychopathic department should be discharged from the hospitals the superintendent shall inform the director of public institutions, who shall immediately order the patient to be sent to the proper institution for such patient. The medical director of the psychopathic department shall furnish the institution to which a patient is transferred, or the director of public institutions, on request, or the proper court, on request, with full information and advice concerning the patient. The expense of transferring patients for study and treatment to and from the psychopathic department shall be a proper charge upon the counties as under existing statutes or upon institutions under the director of public institutions from which or to which patients may be removed, under such rules as the director of public institutions may prescribe. The expense of transferring patients for study and research purposes shall be a proper charge upon the psychopathic department under such rules as the board of regents may prescribe. The superintendent of the University of Minnesota hospitals may discharge any voluntary patient in the psychopathic department or may take steps to secure commitment and transfer of such a patient when in the judgment of the superintendent the patient should be discharged from the psychopathic department.

PART IX

CARE OF CONSUMPTIVES IN STATE AND COUNTY SANATORIA AND AFTER DISCHARGE THEREFROM

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CARE OF CONSUMPTIVES IN STATE AND COUNTY SANATORIA AND AFTER DISCHARGE THEREFROM

(251.01) BUILDINGS; SUPERINTENDENT. From the moneys appropriated for the purpose, the director of public institutions shall erect and equip buildings suitable for the care of consumptives upon the site heretofore acquired therefor. All plans for buildings must be approved by the director. The director shall appoint a licensed physician to be superintendent of the sanatorium. He shall have entire charge of the administration thereof, and, subject to the civil service provision, appoint all employees, fix their compensation, pass upon the admission and discharge of patients, supervise their treatment, and keep such books and records as the director of public institutions may require.

(251.02) PERSONS ADMITTED. Only persons who have resided in the state throughout the year preceding application, exclusive of the time spent in a hospital or sanatorium, and who are afflicted with incipient pulmonary tuberculosis shall be received into the sanatorium. Persons desiring admission shall apply to the superintendent, and all applications shall be numbered in the order of receipt. When a vacancy exists the superintendent shall give to the person whose name is first upon the list an order for examination directed to any examining physician. The director of public institutions shall appoint such physicians, not exceeding three for each county, whose fee for examination shall be $3.00, payable out of funds appropriated for the sanatorium. The examiner shall determine whether the applicant is afflicted, as aforesaid, and report his conclusion to the superintendent. The director of public institutions shall fix the amounts to be charged for maintenance and treatment. A person unable to pay such charges and without kindred legally liable therefor and able to pay may be admitted on request of his county board, and the charges shall be paid by the county.

In all counties in this state now or hereafter having a population of over 20,000 and maintaining a county tuberculosis sanatorium, the county sanatorium commission shall have the same powers with reference to tubercular persons as county boards under this section, and the charges for their care shall be paid by the county sanatorium commission out of its funds.

(251.03) TREATMENT IN STATE OR COUNTY SANATORIUM OF NECESSITOUS OR NEEDY PERSONS INELIGIBLE FOR ADMISSION TO COUNTY SANATORIUMS. When, after an investigation, the director of social welfare finds that a person is afflicted

with tuberculosis and is in need of treatment in a sanatorium and that such person is in necessitous or indigent circumstances and unable to secure admission in any existing county sanatorium by reason of the fact that such person has not resided a sufficient length of time in any one county of the state, then and in such case, the director shall apply for the admission of such person either to the state sanatorium for consumptives, or to some county sanatorium in the state and the director shall pay out of his appropriations for the maintenance of county sanatoria funds to the sanatorium where such person may be received, the same fee for the maintenance and care of such person as is received by a county sanatorium for the maintenance and treatment of a non-resident. Time spent in a hospital or sanatorium within the state shall not be considered in determining residence.

(251.04) EMPLOYEES IN STATE INSTITUTIONS TO BE PLACED IN SANATORIUM. If, upon the evidence produced at the hearing mentioned in section 246.29, the industrial commission finds that such employee is suffering from tuberculosis contracted in the institution by contact with tuberculous inmates therein, it shall order the director of the division of public institutions to apply for the admission of the employee to the state sanatorium for consumptives or some county tuberculosis sanatorium. The department of social security shall pay, out of funds heretofore or hereafter appropriated for aid to or maintenance of county tuberculosis sanatoria, to the state sanatorium for consumptives or the county tuberculosis sanatorium where the patient may be received, the same fee for the maintenance and care of such person as is received by the state sanatorium for consumptives or the county tuberculosis sanatorium for the maintenance and treatment of a non-resident patient. The industrial commission shall order payment to such employee from the state compensation revolving fund two-thirds of his salary not to exceed $20 per week during the period of his disability, not to exceed 125 weeks. All such compensation payments made from the state compensation revolving fund shall be reimbursed by the department of social security in the same manner as now required of other state departments by law.

(251.05) EMPLOYEES MAY RECEIVE BENEFITS. All employees of state institutions under the direction of the division of public institutions who are now receiving benefits under Laws 1939, Chapter 116, shall continue to receive such benefits and, in addition thereto, shall, beginning with May 1, 1941, be paid compensation with the same limitations as employees of such institutions who become beneficiaries of Laws 1941, Chapter 479.

(251.06) HOSPITALS BUILT AND MAINTAINED. Subdivision 1.

Group of counties may build. In addition to the authority to erect and maintain and assist hospitals conferred upon individual counties by sections 376.01 to 376.06 and 376.09, the boards of county commissioners in any group of counties shall have and are hereby given power to acquire lands, to purchase or erect buildings, and to equip and maintain the same for general hospital purposes.

Subdivision 2. **Procedure.** The procedure for the cooperation of a group of counties in building and maintaining such a hospital shall be as stated in subdivisions 3 to 8 hereof.

Subdivision 3. **Action of county boards.** The preliminary step shall be a majority vote of the county commissioners of each county of the cooperating group of counties in favor of the establishment of such hospital, the place of its location, the approximate amount (hereinafter to be known as the "cost") to be expended for the purchase of a site and erection of buildings and the apportionment of such costs among the several counties of the group.

Subdivision 4. **Share of cost raised by tax levy.** If the share of the cost to be paid by any county shall not exceed the sum that may be raised by a tax levy of not to exceed one mill on the dollar of the taxable property of such county, it shall be lawful for the county commissioners of the county to order a tax to pay its share of the cost of such hospital; and the tax shall be levied, extended, and collected in the same manner as other county taxes are levied, extended, and collected, and shall be used for no other purpose than that for which it was authorized and collected.

Subdivision 5. **Share of cost raised by bonds.** When such share of the cost to be paid by any county shall exceed the sum indicated in subdivision 4 hereof or when it is necessary to issue bonds of any county to defray its share of the cost of such hospital, or when in any case the county commissioners shall deem it desirable, then the question of (1) whether such hospital shall be established and (when necessary) (2) whether bonds shall be issued to defray such county's proportion of the cost thereof shall be submitted to the voters of such county; and the hospital shall not be established nor bonds issued therefor unless a majority of the voters of such county vote in favor of each question submitted to them. The manner of voting shall be as indicated in the existing statutes governing the establishment of tuberculosis sanatoria in counties or groups of counties. The board of county commissioners of a county is authorized to levy a tax to pay interest and principal of any bonds authorized hereunder by the voters of the county as the same shall become due and payable. The tax shall be levied, extended, and collected in the same manner as other county taxes are levied, extended, and collected and used for no other purpose than that for which it was authorized and

collected.

Subdivision 6. **County hospital building fund.** The sums collected by taxation or sale of bonds under subdivisions 4 or 5 hereof shall be paid into the county treasuries of the respective counties of the cooperating group of counties and, in each case, kept in a separate fund to be known as the county hospital building fund.

Subdivision 7. **County hospital commission.** Upon the preliminary decision under subdivision 3 hereof to establish and maintain a hospital under sections 158.01 to 158.12, 251.06 and 251.07 there shall be established a commission to be known as the county hospital commission. This commission shall consist of three residents of the county in which the hospital is to be located, chosen by the county commissioners of the county for a term of three years from the first of July next succeeding such choice or until their successors are chosen, one commissioner shall be chosen annually, and of two residents from each other county of the cooperating group of counties, chosen likewise by their respective county commissioners for a term of two years from the first of July next succeeding such choice or until their successors are chosen, one commissioner shall be chosen annually in each county. These commissioners shall serve without compensation but may be reimbursed for actual expenses incurred by them in connection with their official duties.

This commission shall have power to purchase real estate, to erect and equip buildings for hospital purposes; and shall have full charge and control of the operation and management of such county hospital. It may, when deemed necessary, employ a competent superintendent who shall be the executive officer of the hospital and act as secretary of the county hospital commission. One member of the commission shall be elected annually by the commission as its president. The treasurer of the county in which the hospital is located shall be the treasurer of the county hospital commission. He shall pay out of the funds of the hospital commission on properly authenticated vouchers of the hospital commission signed by its president and secretary.

The county hospital commission is empowered to accept as a trust any gift, donation, or endowment from any source, whether subject to special provisions of the donors or not; and such gifts, donations, or endowments shall be placed to the credit of the county hospital fund in the treasury of the county in which the hospital is located and disbursed, as to principal or income as the donors may have indicated, by the county hospital commissioners.

Subdivision 8. **Funds paid to treasurer of county hospital commission.** When the county hospital commission is satisfied that each county in the cooperating group of counties has collected its share of the cost of the hospital it shall so certify to the county commissioners

of each county, who shall thereupon order the county treasurer to pay over to the treasurer of the county hospital commission the county hospital building fund in the possession of such county treasurer. The county hospital commission shall thereupon proceed to erect such hospital and to carry it on.

(251.07) GENERAL HOSPITAL AND SANATORIUM MAY OPERATE IN CONJUNCTION. It shall be lawful, with the consent of the director of social welfare, for any county or any group of counties which has or which may hereafter erect a tuberculosis sanatorium in accordance with existing statute, to erect in conjunction therewith or in the neighborhood thereof a general hospital and to conduct the two institutions under a common management and under one commission to be known as the county hospital and sanatorium commission.

(251.08) AFTER CARE OF TUBERCULOUS PATIENTS. The medical and other supplemental care of tuberculous persons discharged from county or state sanatoria who are in need and whose physical or other conditions or disabilities associated with their disease make inadvisable their return immediately to their former activities or regular employment, is hereby declared to be a special matter of the state's concern and a necessity in promoting the public welfare. To provide medical and other supplemental care to such persons in order to prevent their further breakdown after sanatorium care, a state-wide program of after care for tuberculous patients discharged from county and state sanatoria is hereby established.

(251.09) MEDICAL AND SUPPLEMENTAL CARE. When used in sections 251.08 to 251.14 the term "medical and supplemental care" means the services rendered to such discharged tuberculous patients, as defined in section 251.08. The sum herein appropriated shall be used only for the expenses incurred in travel to and from the sanatoria. This type of medical care shall be determined in accordance with rules and regulations established by the state agency, which shall require an examination at the sanatoria at such times as the superintendent of such sanatoria shall determine. In event a doctor of medicine selected by the patient certifies that preliminary examination indicates need for emergency examination, not otherwise ordered by the medical officer in charge of the sanatoria, such examination shall be ordered as prescribed by the rules and regulations established.

(251.10) DUTIES OF STATE AGENCY. The state agency shall:

(1) Supervise the administration of medical and supplemental care under the provisions of sections 251.08 to 251.14;

(2) Formulate and adopt all necessary rules and regulations for

carrying out and enforcing the provisions of sections 251.08 to 251.14 to the end that medical and supplemental care for patients coming within their provisions may be administered uniformly throughout the state;

(3) Prescribe the form of, print, and supply to the various county agencies throughout the state blanks, reports, and such other forms and documents as it may deem necessary or advisable;

(4) Prescribe and maintain a uniform system of fiscal reporting for, and accounting of, all expenditures under sections 251.08 to 251.14;

(5) Prepare and print within a reasonable time after the close of each fiscal year a full and complete report for the year giving an account of the operation of sections 251.08 to 251.14, the expenditure of all funds thereunder, and adequate statistical data relative to the patients benefiting by the provisions thereof, and the nature and type of the treatment given thereunder;

(6) Reimburse to each county agency making expenditures under and pursuant to the provisions of sections 251.08 to 251.14 such sums, quarterly, as the county agencies may have expended pursuant to the rules and procedures established hereunder by the state agency. Reimbursement shall be made upon the basis of such certification of expenditures as shall be required from the county agency by the state agency.

(251.11) RULES. In promulgating rules and regulations covering the granting of medical and supplemental care to patients and in setting minimum standards therefor, the state agency shall have due regard for, and consult with, the superintendents of the county tuberculosis sanatoria and the state tuberculosis sanatorium.

(251.12) NEEDS OF PATIENTS DETERMINED BY COUNTY AGENCY. The county agency shall:

(1) Pursuant to the rules, regulations, and standards established by the state agency, inquire into and determine the amount of medical and supplemental care needed by each patient coming within the purview of sections 251.08 to 251.14 who is a resident of the county concerned for the purposes of these sections;

(2) Prepare and submit promptly to the state agency all applications, forms, and fiscal reports established and required by the state agency pursuant to the provisions of these sections;

(3) Pay in the first instance such sums for medical and supplemental care as are found necessary under the provisions of these sections, and it is specifically provided hereby that such payments of medical and supplemental care are no part of such grants of relief or assistance as are found necessary for the usual care of the patient, all payments provided for herein being over and above and in addition to such regular grants of relief and assistance;

(4) Report to the state agency such expenditures for medical and

supplemental care as are made by the county agency pursuant to the provisions of these sections and receive reimbursement therefor quarterly from the state agency; and

(5) Prepare and submit such statistical and fiscal reports as the state agency may require hereunder.

(251.13) MEDICAL AND SUPPLEMENTAL CARE, TO WHOM GIVEN. Medical and supplemental care under the provisions of sections 251.08 to 251.14 may be granted to a discharged tuberculous patient who:

(1) Has a tuberculous condition within the definitions established by the state agency pursuant to the provisions of these sections; and

(2) Has resided in the state and in the county one year prior to the time of entrance into the tuberculosis sanatorium.

(251.14) FUNDS NOT TRANSFERABLE. No funds granted under sections 251.08 to 251.14 for medical and supplemental care shall be transferable or assignable at law or in equity and must be used for the sole purpose of payment for medical and supplemental care, as defined in section 251.09.

Note: All powers and duties with reference to State Sanatorium were transferred from Director Public Institutions to Director Social Welfare by Chapter 570, 1943 Minnesota Session Laws. Further, no appropriations have as yet been made available to carry out provisions contained in 251.08-251.14.

Digest of Laws

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